



# HUMANITIES NETWORK

Newsletter of the California Council for the Humanities in Public Policy

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This special issue on the *Serrano v. Priest* Decision is published in cooperation with the California Coalition for Fair School Finance

## *Serrano v. Priest: A New Beginning?*

By Dorothy Reed  
Editor, *Humanities Network*

The *Serrano vs Priest* decision that the quality of a California school child's education must not depend on the wealth of his neighbors — came down from the California Supreme Court in the fall of 1976 after eight years of litigation and appeals. To carry out its mandate requires a major change in the way California schools are financed, and the process of achieving this change through legislation has just begun. A year and a half ago the California Council for the Humanities awarded a dual grant to a citizen's organization and a television station for a public information project to familiarize the people of the state with the decision, its implications for education, and any legislation that was introduced or passed aimed at implementing it.

This issue of the *Humanities Network* covers some of the activities of that project, carried out jointly by the California Coalition for Fair School Finance (made up of special committees from the American Association of University Women, the League of Women Voters, and the California PTA) and KCET-TV in Los Angeles who made a documentary film called "Do Dollars Make Scholars?"

These two grants were the CCHPP's first "Special Projects," sponsored by statewide groups and addressing policy issues of state wide significance over a relatively long period of time. Extra funding was also provided by the League of Women Voters Education Fund from a grant by the Ford Foundation.

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*"I believe in the existence of a great, immortal, immutable principle of natural law or natural ethics--which proves the absolute right to an education of every human being that comes into the world..."*

--Horace Mann, Quoted in the *Serrano* Decision

## Historical Overview

## *Serrano v. Priest: End of an Era?*

By Charles Wollenberg, History Department, Laney College

Dr. Wollenberg delivered the opening address at a Coalition-sponsored seminar on the *Serrano* Decision, which is described in the "Project Humanist's Story" on page 2 of this issue.

Future historians may view *Serrano v. Priest* as the last chapter in a remarkable, twenty-year story of judicial activism on behalf of equal educational rights. Since *Brown v. Board of Education* in 1954, courts throughout the land have intervened in local school affairs to strike down racial segregation. The California Supreme Court's 1971 *Serrano* decision seemed to herald a new stage in this trend of judicial activism: direct intervention in the sphere of education finance to eliminate massive inequalities in revenues available to local school districts due to differences in property values. But two years later, in *San Antonio School District v. Rodriguez*, the United States Supreme Court rejected the California court's reasoning and refused to apply the *Serrano* doctrine nationwide. *Serrano* still stands in this state, for the California court based its decision on the equal protection clauses of both the federal and state constitutions. Courts in some other states also have adopted the *Serrano* argument, but a judicially inspired, nationwide reform of public school finance is not in the cards. Indeed, even the school integration effort seems to be losing steam, and *Serrano* may well represent the end of an important era in American judicial history.

Legally and historically, *Serrano* cannot be separated from the fight against school segregation. The constitutional basis of the *Serrano* decision was the finding that education is a "fundamental interest" covered by the equal protection clauses of the United States and California constitutions. In affirming that principle, Justice Raymond L. Sullivan's 1971 opinion not only used *Brown v. Board of Education* as precedent, but also cited several important California cases

resulting from the long struggle against racial segregation and exclusion in this state's public schools.

That struggle is more than a century old, for California's school system began as a segregated enterprise. In 1855 California law required that the state school fund, created by the sale of public lands, be distributed to local communities "in proportion to the number of white children" in each locality. In 1859 California's Superintendent of Public Instruction, Andrew Jackson Moulder, warned that "to force African, Chinese and Diggers into one school... must result in the ruin of the schools." Moulder believed that "the great mass of our citizens will not associate in terms of equality with these inferior races; nor will they consent that their children do so." During the next decade, non-whites usually were forced to attend segregated schools and sometimes were excluded entirely from public education.

Black parents eventually brought suit to end these practices, and in 1874, in *Ward v. Flood*, the California Supreme Court issued its first school segregation opinion and in the process began a trail of legal precedent leading to *Serrano*. The court

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## *Chairman's Column*

For those who have been following the current cultural policy debates at various levels of government, it may come as a welcome surprise to see that some clear lines of new directions are beginning to emerge from what has been a rather confused picture. There seems to be a growing consensus, at least in the sphere of the humanities, that public support should accommodate both the advancement of knowledge within humanities disciplines and the promotion of easy accessibility of the humanities to a wide spectrum of society.

Our own experience during the past year supports this view. Last year when Congress passed the new authorizing legislation for the National Endowment for the Humanities, state programs like ours were given a new opportunity to assess existing program goals and guidelines in light of general public and scholarly needs and interests. To carry out this assessment in California, our Council has conducted a thorough review and evaluation which included surveys, a state conference, public meetings from Eureka to San Diego, an analytical study, and informal discussions with a wide variety of groups and individuals throughout the state. Participants have included representatives from community groups, minority organizations, the scholarly community, professional associations, labor, business, the media and others from all sectors of society — both critics and supporters, both those knowledgeable of the CCHPP program and those who had previously never heard of us.

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**Next deadline for receiving proposals: April 30, 1978**

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# The Right to Education, Equality, and the State

By Frederick A. Olafson

Dr. Olafson is a Professor of Philosophy at the University of California San Diego

The purpose of these meetings is to explore some of the wider social and moral ramifications of the issue of public school financing and to do so in the context set by the recent legal decisions in California that bear on that issue. I confess that I approach this assignment with no very great confidence that moral philosophy has an obvious and substantial contribution to make to such discussions as these. I say this not because I am disposed to doubt that the question of a just system of public school finance constitutes a moral issue — I am sure that it does — but rather because I do not perceive any errors in the reasoning of the courts to which the insights of moral philosophy could offer a useful corrective. In other words, just because these decisions seem to me to be both legally and morally correct, I don't think they stand in any special need of philosophical defense.

This is not to say, however, that some of the implications of the *Serrano* decisions may not raise questions — some of them quite serious — that need attention on this occasion. As my contribution to these discussions, therefore, I will try to show what the problematic aspects of these decisions may be and how they arise, as I think they do, precisely out of the effort to secure a fuller justice for all our citizens in the area of educational provision. In order to do this I must first take up the right to education itself and review two major interpretations to which it has been subject.

There is a *prima facie* conflict between these interpretations which might be thought to supply a philosophical basis for opposing the *Serrano* conclusion; but I will try to show that this is not the correct view of the matter. At the same time, however, an analysis of this apparent conflict between ways of depriving the right to education will cast light on what I have called the problematic aspects of the movement towards equalization of support for public schooling which is now in prospect.

Although we often think of rights as so many different forms of freedom, this way of thinking of them proves inappropriate when the right to education is in question. In this case as in others, to say that I have a right is to imply that others have a duty; but the character of the duty which corresponds to my right is different in the case of education from what it is in the case of, say, property rights. The possession of a property right entails that others must not interfere in my use of the land or buildings in which I have this right: but it does not normally require anything more than such non-interference from other persons.

By contrast, a right to education that required no more of anyone else than a similar non-interference with my efforts to provide an education for myself would not have much meaning. It may be that when we speak of cultural freedom we have in mind a right of this limited kind, i.e., a right to which there would correspond merely a duty not to impose an alien culture. But the right to education clearly implies much more than this, if only because it resides in the first instance in very young children who are quite unable to provide themselves with the education they need and are not in fact even able to claim that right. If the right to education is to be meaningful, the duty which corresponds to it must be a duty to make resources available in behalf of the education of the person possessing the right. At least in the first stages of education it will also comprise the duty of making the judgments about the character of the education that is to be provided and

to do so on the basis of an estimate of the needs and interests of the child whose education it is.

When we conceive the right to education in this way, the next step in our analysis must obviously be to identify the person or persons to whom such a duty of providing support for someone else's education can be plausibly attributed. One way of doing this would be to say that this duty is perfectly general in nature and that when a child has a right to education the corresponding duty is one that everyone or at least all adult persons must acknowledge. Presumably this is the view that is implicit in such assertions of a universal right to education as the one set forth in the UNESCO Declaration of Universal Human Rights; or at any rate it seems fair to make this assumption since that Declaration does not pursue the question of where the duty corresponding to this universal right resides and thereby appears to imply that the duty is as universal as the right.

It may be desirable, however, without prejudice to whatever validity such claims may prove to have, to give priority of consideration to another way of interpreting the duty corresponding to the right to education. I have in mind the view which treats the parents of a child as having the primary duty to provide an education for that child. The logic of this view is that parents are after all the persons who have brought the child into the world and therefore have a special responsibility resting on the particular relationship in which they stand to *their* child to see to it that it receives not only

side of the duty of the parents is not to prejudge unfavorably the possibility that a still wider basis for the right to education may exist: and in fact the second interpretation of the right to education which I will take up a little later is a variant of that view.

In his famous essay *On Liberty* John Stuart Mill makes a few passing observations on education which are of particular relevance here because they seem to presuppose a view of the right to education and the duty corresponding to it that is very close to the one just described. In this essay Mill is exploring the distinction between the occasions on which it is legitimate for a public authority to interfere in someone's life in defense of a wider interest and those occasions on which such a person should be left undisturbed, however destructive his conduct may prove to be to his own interest.

Interestingly enough, although Mill has often been accused of allowing too great a scope to individual discretion, his treatment of the parent-child relationship can hardly be faulted on these grounds and may in fact strike present-day readers of his essay as surprisingly harsh. He suggests, for example, that in light of the heavy responsibilities that parenthood carries with it it may be a matter of legitimate public concern to determine whether particular individuals are really qualified for the role of parent.

As regards education itself, Mill was strongly convinced that children have a right to education and that their parents have a corresponding duty to provide that

parent. The vital point for Mill is, of course, that this is as far as the state should normally go in matters of education. If it were to undertake to provide this education itself, the result could only be a "contrivance for moulding people to be exactly like one another" and he is sure that this mould would be one "that pleases the predominant power in the government, whether it be a monarch, a priesthood, an aristocracy, or the majority of the existing generation" and that it would establish "a despotism over the mind leading by natural tendency to one over the body".

There is one other very significant feature of Mill's treatment of education that must be noted. First, after confining the role of state in matters of education within such narrow limits, he adds that the state may help "to pay the school fees of the poorer classes of children and (defray) the entire school expenses of those who have no one else to pay for them." In other words, it is admissible and in some circumstances even necessary that the state should not merely enforce the duty of parent to provide his child with an education under a private-purchase scheme but itself help to finance this system of educational provision.

Second, as a means to enforcement of the parent's duty to support its child's education, the state may properly set public examinations to determine whether children are effectively acquiring the knowledge with which their education should provide them. Mill recognizes the danger that such a system of examinations might make it possible for the state to exercise a decisive influence over the whole nominally private system of education; and he therefore stipulates that these examinations should deal with matters of "fact and positive science" exclusively and should not deal with "religion, politics or other disputed topics".

It may well seem that with these qualifications Mill is really sanctioning a role for the state within the area of education that would inevitably exceed the limits he was originally disposed to set. Nevertheless, the inspiration for his underlying conviction that the state should not become directly involved in what he calls the provision of education still commands interest. It is significant in this connection that the case of the poor who cannot provide an education for their children comes into Mill's account almost parenthetically; and the reason, I think, is clearly that Mill's view takes as its paradigm a quite different situation in life and thus a quite different relationship to the state. That is the situation of the person who disposes of at least modest resources that go beyond what is required for the immediate necessities of life and who as a result enjoys a measure — again perhaps very slight — of independence in the way he designs his own and his family's life. Such a person, who belongs typically to the middle class, will accordingly be in a position to conceive his relationship to the various institutions with which he is associated in a manner that, instead of subsuming him entirely under their tutelary influence and control, allows him a role in determining what the manner of functioning of these institutions is to be.

He will also, or so Mill rather anxiously hopes, wish to insist that under all circumstances he should retain an area of privacy and individuality in his life upon which the influence of public authority and of public opinion is not allowed to intrude. For just these reasons he will not wish to

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HERE IS PROOF that although laws may not inevitably pass, time does. John Anthony Serrano, above, was a primary school student when the suit was first brought in his name. He will be college age very soon. Speaking in the KCET television documentary, John Serrano wondered whether equality of educational opportunity would really be achieved in time for his children.

the general care and up-bringing it requires if it is to achieve maturity and independence, but also the education that will enable it to function competently in the several areas of its life-activity.

One reason not to neglect the basis of the right to education in this special relationship of parent to child is that by contrast with the prior universal conception it enjoys quite general recognition and may therefore provide an agreed upon starting point from which to begin one's inquiries into this whole matter. It should of course be emphasized that to approach the right to education from the

education for their children. At the same time he is enough of a realist to know that that duty is not always honored and perhaps not always even acknowledged. He accordingly lays down the principle that when this duty is not honored by the parent "the state ought to see it fulfilled at the charge, as far as possible, of the parent."

Here we have an interesting pattern of rights and duties in which a failure on the part of a parent to fulfill his duty that corresponds to the right to education of his child properly calls forth a response from the state that enforces the obligation of the



# The Serrano Decision — A Humanist's Perspective

By John P. Crossley, Jr.

This paper is a part of the information packet distributed by the Coalition as background material for the use of speakers at community meetings on the Serrano decision.

Because of the political nature of the Serrano decision and the legislative activity that follows from it, it is easy to lose sight of the underlying values that inform the decision itself. Like most Supreme Court decisions, state or federal, the Serrano decision is a philosophical piece of writing which puts forward and defends with reasons certain value judgments. My remarks today will focus on some of these values that I think are important, and which, if taken seriously by the California community, could have a strong influence on the course of public education.

The first such value is the Justices' assertion that education is a fundamental human right. Let me quote several passages randomly from the decision.

... The right to an education in our public schools is a fundamental interest which cannot be conditioned on wealth. ...

We ... begin by examining the indispensable role which education plays in the modern industrial state. This role ... has two significant aspects: first, education is a major determinant of an individual's chances for economic and social success in our competitive society; second, education is a unique influence on a child's development as a citizen and his participation in political and community life. ... Thus, education is the lifeline of both the individual and society.

(Education) is a right which must be made available to all on equal terms.

... Today an education has become the *sine qua non* of useful existence. ...

"I believe in the existence of a great, immortal immutable principle of natural law or natural ethics, — a principle antecedent to all human institutions, and incapable of being abrogated by any ordinance of man ... which proves the *absolute right* to an education of every human being that comes into the world, and which, of course, proves the correlative duty of every government to see that the means of that education are provided for all. ..."

(Quoted approvingly from Horace Mann; italics his.)

Presumably these assertions and others like them are interpretations of that section of the California Constitution (Article IX, Section 1) which states that a general diffusion of knowledge and intelligence is essential to the preservation of the rights and liberties of the people. (Interestingly, the U.S. Constitution contains no comparable statement, and in 1973 in the San Antonio School District v. Rodriguez decision, the U.S. Supreme Court held that education is not a constitutionally guaranteed right.) The California Supreme Court's contention that education is a right to be enjoyed by all equally is the fundamental philosophical underpinning of the Serrano decision.

But can something be a right which has emerged so late in history? So far as I know, no one spoke of education as a *right* before the 19th century (which may explain why it's not in the 18th century U.S. Constitution, but is in the late 19th century California Constitution). Isn't a fun-

damental right supposed to be something that is locked into the essence of human being from the beginning? On the contrary, as I see it, rights emerge in human history, and they emerge precisely at that point of tension when the emerging consciousness of a right and the possibility of its being maintained buck up against forces that would deny it. Such venerable rights as life, liberty and the pursuit of happiness are in fact latecomers (18th century) on the plane of history, and they achieved expression at a time when certain human beings became conscious of both their importance and their possibility of being realized, and certain other human beings sought to suppress them. Consciousness of a right is the *sine qua non* of there being such a "thing" as a right at all, and historical conditions are the equally necessary framework for the emergence of a particular consciousness. It would have been absurd, say, for a 19th century gold prospector to stand up from the creek and say, "I'm tired of this. I demand my right to an education." Who would grant him such a right? But it is not absurd for John Serrano and all other children of the 20th century to demand their right to an education; they are conscious of such a right, and historical conditions are such that it can be granted.

## No Change?

It seems to me that the Serrano decision is indeed based on some rights, but I very much doubt that the implementation of Serrano will result in any greater rights to children. The political forces within school districts, the vested interests, never talk about kids; how children will come in for the rights I believe the decision is based on, is very hazy.

Unless there is some restructuring of the educational system itself in terms of values that it might hold for education, I don't see much happening in the way of improving the quality or equality simply due to Serrano. There will be a redistribution of money, but in terms of what will permeate down to the education of children, I'm very sceptical. I don't think it's going to change the school system.

—James Reusswig  
Superintendent of Schools  
Vallejo City Unified School District

Some people are worried, I think, that if education is taken to be a fundamental right comparable to life and liberty, then *anything* necessary for successful living could be deemed a right — things such as transportation or housing or medical care. I will not comment here on whether or in what sense such things are or might become human rights except to say that education is in some sense unique alongside other necessities for successful living. It is unique in that it is not only a right but a duty. The history of so-called natural law and natural rights is a single history. While we cannot develop this point here, I think it is true that fundamental human rights correspond to fundamental human obligations. We have an obligation to develop our minds; consequently, education is a right. Or, if you prefer, education is a right; there is no right not to become educated. As in the old argument about liberty, there is no right not to be free, and one cannot choose slavery

without becoming less than human.

If it's true that education is a duty as well as a right — or perhaps a duty and therefore a right — it's well to remind ourselves that true duties are mostly prescriptions, seldom prescriptions. We have a duty not to steal, not to kill, and so on but no duty to be moral heroes. In education no one can say with any certainty how extensively we are obligated to develop our minds. We can say with more certainty that we have an obligation not to let our minds atrophy, not to neglect using them to understand ourselves and our place in the world. We can also say that we have a duty not to prevent anyone, with even the slightest obstacle, from developing his or her mind to the extent he or she desires and is capable. This is one rationale behind not only public elementary and secondary education, but behind free public higher education as well. We do not require young people to attend school past age eighteen, but we do not prevent people from developing their minds through formal education at any age.

The mention of compulsory education brings me to one last point about education as a right. Even if education were not a fundamental right on philosophical grounds — and I think it is — we have put it into that category on pragmatic grounds by requiring it of all children from six to eighteen. Once education is required by law, the right to be treated equally under the law comes into force. While the right to education and the right to equal protection of the laws are initially two different rights, mandatory education fuses them.

The second value in the Serrano decision that I want to mention is fairness. What is considered fair can run the range from, on one extreme, a *sum quique* (to each his due) based on any criterion of what is due (e.g., wealth, race, sex, intelligence) to, on the other extreme, absolute equality. Where is Serrano on this range? I suggest that its conception of fairness or justice is somewhere in the middle.

On the one hand, it flatly rejects wealth as a criterion for access to education, and that rejection is, of course, the basis for legislation such as AB 65 that tries to restructure school financing on a non-wealth basis. In denying wealth as an applicable criterion, Serrano stands in the same tradition as the 1954 Supreme Court decision in Brown v. Topeka Board of Education which denied race as a relevant factor. Presumably all such "social accidents" as race, wealth, sex, religion,

social class, and so on, are illegitimate criteria for allocating education

On the other hand, however, Serrano does not mandate equality of education, but equality of opportunity for education. The thrust is that no one, by dint of living in a poor neighborhood, should be denied a quality education. I think it's important to draw the distinction between equality of education and equality of opportunity for education, for Serrano might be interpreted in some quarters as some sort of push for "leveling" or even mediocre uniformity in education. That may actually occur as the result of ensuing legislation, but that is not the intention of Serrano. The clearest way to implement Serrano would be to make available to all school districts the same amount of money per child now available to the wealthiest school districts. From the base point, the sky would be the limit on how "different" schools could be from one another.

Serrano says unfairness is structured into the present system of school finance and automatically produces inequality of opportunity. The thrust is toward equalization of opportunity, but not necessarily for the sake of equality of education. Equality of opportunity can also be for the sake of an educational meritocracy in which each student has his or her education tailored for his or her own particular abilities and interests. Just as in business anti-trust laws can be used as a "socialistic" lever to take business out of the hands of private corporations, or as a tool (and this was the original intent of the legislation) to insure free competition among private corporations; so in education equality of opportunity can be used to destroy incentives and produce uniform mediocrity, or it can be used to enliven education and make of every classroom an opportunity for individual achievement. Serrano favors the latter alternative; justice is not the opposite of freedom, but its guarantor.

Let me say just a word about a third "value" in Serrano which is not there. This is the value of state control, as opposed to district control, of education. We all know the adage, "Whoever pays the piper calls the tune." While Serrano does not mandate state control of school finance, it probably moves in that direction. Does state control of school finance imply state control of education? Let me say three things about that. First, Serrano does not think so. It is interested in fair educational opportunity based on the right to education, not in the control of education. Second, we have gained a good deal of experience recently in this country in permitting local control within national guidelines. In the field of civil rights, for example, racial segregation is outlawed nationally, yet that has not seemed to lead to federal intervention in state matters beyond the laws themselves. In other words, it is possible for whoever pays the piper to designate certain tunes that can't be played, but beyond that to leave it up to the locals to call the tunes. Third, a measure of state control is not necessarily bad. We already have a good deal of it in California, for one thing, but for another, it would be virtually impossible for local school districts to tackle certain issue, among them, fair school finance.

Finally, I want to say something about



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# Questions and Answers about the Serrano Decision

In August, 1968, the *Serrano v. Priest* case first came to court. A suit was filed by John Serrano, a parent, on behalf of his son and other California school pupils against the state of California, which was represented by Ivy Baker Priest, State Treasurer at that time. Serrano charged that California's school finance system was unfair and unconstitutional, because some school districts could afford to, and did, spend many times the amount per student that other districts spent. After a series of appeals, the California Supreme Court on December 30, 1976, issued its decision that the present system was indeed unfair and unconstitutional.

The Serrano decision requires fundamental changes in the way education is financed in California, but it does not say where to get the money, how much is needed, or how it should be spent. These decisions are still to be made by the citizens of the state.

## 1 Why is the way we now support our schools in California unconstitutional?

The California Supreme Court has found that our present manner of supporting public education is in violation with that part of the California Constitution which guarantees equal protection under the law.

The Court has declared that children in California do not have an equal opportunity for a good education, because spending for education under the present system is necessarily related to the differences in wealth among school districts.

## 2 How does the present system violate equal protection under the law?

More than half of the school costs are paid with local property tax monies on the basis of the taxable wealth, or assessed valuation, of each school district. Property values—a school district's "wealth"—vary widely from district to district. Some districts have very valuable property, such as a shopping center or a steel mill, and few children live in those areas. These are called "rich" districts. Other districts have many children to educate and low property values. These are called "poor" districts.

Rich districts can raise money for children's education much more easily than poor districts. The same rate of taxation on property brings in more tax dollars in rich districts than it does in poor ones. This difference in taxable wealth makes some districts able to provide a better education at a lower tax rate than other districts can.

## 3 What does equal opportunity mean?

The Court has said that in order to provide equal opportunity, the amount of money available for education must depend on factors other than the wealth of school districts. This is called "fiscal neutrality." Rich and poor districts must have the same financial ability to serve the educational needs of students. This means that equal tax rates must yield equal dollars per student, regardless of a district's wealth.

## 4 Since the funding of many services depends on property taxes on the same basis as the funding for education, what is special about education?

The Court has said that education is a "fundamental interest." This means that it is directly related to individual rights and liberties that the Constitution protects and guarantees.

## 5 Education in California uses \$4 billion from property taxes. Can it legally continue to do this?

Yes, as long as the money is used according to the requirements of fiscal neutrality.

## 6 Will schools have to spend the same amount for the education of all children?

No. Different amounts can be spent as long as they relate to factors *other than* wealth. The trial Court has said that differences based on wealth may not exceed \$100 per student, and that this equalization must be achieved by September, 1980. Additional funding for students with special educational needs or for special programs will be permitted.

## 7 Since a district is "rich" or "poor" on the basis of its assessed valuation, poor people can live in rich districts and vice versa. Will the Serrano decision make the tax system fair in terms of people's abilities to pay?

No. The Serrano case was not a general search for "tax equity." Its only purpose was to determine if the state's school financing system was denying equal protection of the laws by denying equal educational opportunity. The Court said it is the Legislature's responsibility to deal with tax equity in general.

## 8 Who will be responsible for changing the present system of funding public education?

The Legislature is responsible for passing bills, which then must be signed by the Governor to become law. Citizens who have suggestions for changing the system should submit their suggestions to their elected state representatives.

If the Legislature does not change the present system for funding public education by 1980, the Court has the authority to act on the matter.

## 9 What kinds of options will the Legislature have?

The Court has mentioned several possible solutions:

- Establishing a statewide property tax to pay all educational costs
- Consolidating school districts from 1,042 to 500, with boundaries changed to ensure equal wealth among them
- Changing taxing practices so that commercial and industrial properties pay taxes directly to the state for educational purposes
- Equalizing taxing ability among districts so that all are guaranteed the same result in dollars for the same tax rate, regardless of their local wealth
- Adopting additional fiscally neutral systems or combinations of systems

Other solutions will undoubtedly be proposed by the Governor and the legislators. We can expect many different ideas on how to carry out the Serrano decision during the coming months.

## 10 Does the decision guarantee that all children will get a good education?

No. The decision means only that spending cannot be based on a school district's wealth. The Legislature will have to decide how much to spend on education and give guidance regarding the quality of educational programs. It will be up to the citizens of each local school district to ensure that the educational programs in their district meet the needs of their community.

Written in everyday language for readers unfamiliar with the terminology of school finance, this brochure is available in English, Spanish, Tagalog and Chinese.

Single copies are free with a stamped, self-addressed envelope; quantity orders will be filled for the cost of the postage.

Write for information on these and other materials to the California Coalition for Fair School Finance; 648 Menlo Ave., Suite 5, Menlo Park, CA 94025.





# CCHPP Announces New Grant Categories

As a result of a year-long review and assessment of its program, the CCHPP has announced the creation of several new categories of grants. The new categories are designed to meet needs uncovered in both the public and academic sectors for support of public activities in the humanities which are currently excluded from the state grants program.

Although the extensive review process provided very strong support for the continuation of a major emphasis on the interaction of the humanities with Public policy concerns, specific additional areas were also identified in which modest funding might encourage significant steps to be taken toward the overall program aim of providing public access to and involvement with the humanities. The new categories seek to promote high quality scholarly activity in areas of broad social concern, expand the availability of the resources of the humanities to occupational and professional groups, support the exploration and presentation of local and cultural histories, and assist the development of other creative approaches to the public presentation of the humanities.

The four new categories are:

## 1. MULTI-DISCIPLINARY SEMINARS

These projects are designed to encourage scholars from a wide variety of disciplines in the humanities to address in a sustained fashion questions of broad and substantial social concern. Examples of such questions are the use of knowledge in a technological society, the changing meaning of progress, the transformation of family life, new concepts of work, the future of a multi-ethnic culture, and the literacy crisis. Seminars should produce a paper or set of papers as a result. The development of materials which might be distributed to the general public is encouraged.

Although the most probable sponsors of projects within this category are academic institutions or departments, other organizations or institutes with strong resources in the humanities are also

eligible. Projects will typically involve academic seminars; research or publications could not be the primary emphasis. However, research integrally related to the general project and publication to the degree that materials might have wide public appeal, may be included.

## 2. PROGRAMS FOR THE OCCUPATIONS

Projects in this category will typically involve a one to two week session which brings together such groups as labor leaders, business executives, law enforcement officials, media representatives, members of the medical profession, or clerical workers to examine the historical backgrounds or topics of current interest to their occupations. The "occupational group" designation includes all categories of workers and groups whose members share a common professional orientation; for example, a group of mill workers interested in a series of discussions on the history and literature of wood products or a group of lawyers interested in a seminar on the philosophy of justice.

This category was primarily adopted to reach constituencies which do not have direct access to the humanities and to explore how the humanities might be more directly related to their needs. Programs should focus on topics of interest to the occupational group and which lend themselves to treatment by the humanities. Examples are the history of the occupation, current ethical-social dilemmas faced by it, future developments which might be anticipated, and the place of the occupation in the general pattern of social activity.

## 3. LOCAL AND CULTURAL HISTORY

This program will support projects which explore the historical background of communities in California and present to the public, information about its localities, regions, people, and cultures. Although projects should have a primarily historical emphasis, they may also relate the study

of the past to present and future social developments.

Projects must relate to the theme, "The Pursuit of Community in California," exploring the chosen subject matter as an integral part of California's social history. Projects may focus on a particular group or region, but it should seek to broaden the scope beyond that of a particular viewpoint, placing the topic in the context of the complex multi-ethnic multi-cultural history of California, while maintaining an objective balance.

All projects beyond the planning phase will be funded on a "challenge match" basis only, requiring the sponsor to raise funds from an additional outside source. Research may be incorporated as part of a project, but research costs should not exceed 50 percent of total project costs. This portion of the project must include active participation by trained historians and/or other scholars in the humanities.

Projects must include some form of public presentation (exhibit, film, lecture, radio program, etc.). Grants will not normally be made for on-going projects, general institution support, permanent staffing, or research alone, although the Council will consider special circumstances under which this limitation might be waived. If it is a film project, there should be evidence of a solid knowledge of film techniques and procedures, and a realistic, detailed statement of expected costs should be submitted with the proposal. First deadline for Local and Cultural History proposals is April 15, 1978.

## 4. INNOVATIVE PUBLIC HUMANITIES PROJECTS

This category is designed to fund only

those proposals which demonstrate innovative ways of relating the humanities to the public through (1) new approaches to public policy projects, (2) methods of reaching currently underserved constituencies, (3) creative uses of the media, (4) exploratory scholarly work, or (5) new formats for making the content of the humanities available to the general public. Such projects must be truly innovative and demonstrate the potential for serving as models for other public humanities projects which might be funded by the Council.

All such projects will require an initial indication of interest by the Council, which would encourage through staff involvement the development of a full proposal. Proposals should describe how the project will be complementary to other aspects of the CCHPP state program.

In addition, a fifth grant category is under development which would create a program to bring scholars in the humanities into high school classrooms. At this point only planning grants to school districts are under consideration for the further exploration of the potential operation of such programs.

Further information on all of the new categories and copies of the new guidelines are available from the Council offices. Prospective applicants should note that "short form" descriptions of proposed projects must be submitted for Council approval before a final proposal will be accepted. The deadline for the first round of applications in all categories is April 30, except Local and Cultural History. Final proposals must be in (not postmarked) the main Council office in San Francisco by that date.

## Chairman's Column

Continued from page 1

We are pleased to announce in this issue of *Humanities Network* the results of this intensive self-examination and assessment of the broad needs of the humanities in California. Chiefly the results are three: (1) There is strong support for continued emphasis on the public policy focus of the state program. Ninety one percent of those responding to our questionnaire stated that the public policy focus should be given either first or very high priority in the state program. (2) The program should accommodate the need for more intensive and diverse scholarly involvement. (3) New forms of programs should be sought to reach public constituencies which currently have limited involvement with the state program.

Accordingly, new grant categories adopted for the 1978-79 CCHPP program have been designed to reflect these conclusions. First, the majority of funding (at least 75 percent) will remain, in keeping with the clear endorsement by all groups, with the humanities-public policy focus under our current guidelines. Thus the Council will continue to fund projects on such policy questions as the *Serrano* decision described in this issue of our newsletter.

Secondly, one new category, "Multidisciplinary Seminars," has been adopted to encourage high quality

scholarly work in areas which are of broad public concern but not necessarily matters of current public policy.

Thirdly, two new categories, "Programs for the Occupations" and "Local and Cultural History," have been created to provide assistance to groups outside the scholarly community which have strong interests in the humanities but whose needs may lie outside the public policy arena.

Finally, the Council has adopted a category to allow the exploration of creative ideas for public humanities programs in a few selected experimental areas under the title of "Innovative Projects in Public Humanities Programs." Further descriptions of these new categories on page 7 of this issue. If you have a particular project in mind, please write the Council office for the new guidelines.

We wish to thank all of those who participated in our review process and assisted us in the development of these new categories. We hope that this initial determination of new funding priorities represents a responsive and responsible approach to the development of the public mission of the humanities — a mission which in our view includes both scholarly integrity and broad citizen access.

--- Martin N. Chamberlain

## New Members Join Council

Five new members have taken seats on the Humanities Council in the last few months. They include David Crippens, Vice President for Educational Services of KCET-TV in Los Angeles; Francisca Flores, Executive Director of the Chicana Service Action Center, Inc., also in Los Angeles; Alistair McCrone, President of Humboldt State College, Eureka; Robert K. Kanagawa, President of the Kanagawa Citrus Company in Sanger, Fresno County; and Richard Wasserstrom, Professor of Law and Philosophy at U.C.L.A.

Crippens is a graduate of Antioch College in Yellow Springs, Ohio, and holds an advanced degree from San Diego State University. He was a Peace Corps Trainer for Nigeria, Sierra Leone, and Jamaica before beginning his career in public television at KPBS-TV in San Diego. From 1971 to 1973 he was staff producer, writer and newscaster at WQED in Pittsburgh, Pennsylvania, and served as executive producer of the *BLACK HORIZONS* series. He has received a number of awards, including one from the California Assembly Legislative Committee for work in the community and communications field. He is a member of the President's Advisory Committee of the Los Angeles City College, and the minority task force of the Corporation for Public Broadcasting.

Flores has held a long series of community service positions dating from 1958. She is a specialist in public affairs, non-partisan politics, Mexican-American Status in the United States, and Chicana Women in Employment, has served as a columnist on "Comercio" and "Mas Grafica," and as Editor of "Carta Editorial" and "Regeneracion." She has been a resource participant and panelist at conferences and classes in Chicano studies

at Stanford, San Diego State University, University of Southern California, U.C.L.A. and San Francisco State University, as well as in Washington, Albuquerque, Houston, Phoenix and elsewhere. Among her recent affiliations are the California Manpower Training Association, the Chicana Rights Task Force, the City of Los Angeles Bicentennial Committee to Honor Women, and the Board of Directors of the Los Angeles Family Service Association.

Dr. McCrone came to Humboldt State from The University of the Pacific in Stockton, where he was academic vice president and acting president, as well as Professor of Geology. He holds degrees in geology from the University of Saskatchewan, the University of Nebraska, and the University of Kansas. He is a Fellow of the Geological Society of America and the American Association for Advancement of Science and has participated in research projects sponsored by the National Science Foundation, the U.S. Public Health Service, and Sigma Xi, an honorary scientific organization. He has conducted field studies in several parts of Canada and the Hudson River Estuary and Long Island Sound, and before coming to California was chairman of the Geology Department and Associate Dean at New York University.

Kanagawa owns and operates the Sanger Nursery, a retail store of nursery and hardware products in Sanger, is a Past President of the Sanger Japanese American Citizens League and the Sanger Citrus Association. He is also on the Board of St. Agnes Hospital and a past board member of the Valley Children's Hospital, a former trustee of Sanger Unified School

Continued on page 10



# Grants Awarded, October 1977

## THE ATHLETE AND THE EMERGENCE OF MODERN SPIRIT

Experimental seminar to plan future major conference

Sponsor: Center for Medieval and Renaissance Studies, University of California, Los Angeles

Sub-titled "The Social Impact of Sports in the Middle Ages and the Renaissance," the seminar seeks to study the tight links between sports and social, political, psychological environments in early times, and trace their parallels into the present, bringing together scholars from a diversity of backgrounds to plan a three-day conference which will use the XXII Olympiad as a point of reference for contemporary problems. Materials prepared for and issuing from the conference will result in a publication and a television program.

## THE GREAT LITERACY CRISIS

One-day invitational conference workshop for scholars, decision-makers and public representatives

Sponsor: San Diego State University

The conference will bring together humanist scholars, representatives of citizen groups, regional educational agencies, and public and private educational institutions to explore whether there is a literacy crisis and how best to treat it. Participants will discuss the return to basics movement, the role and value of standardized testing, the influence of the media in developing public opinion, and the use of data and public opinion in decision-making. A 30-minute television documentary will focus on major presentations and conclusions, and proceedings will be published.

## ORANGE COUNTY POLITICAL CAMPAIGN REFORM: WHAT SHOULD BE DONE?

Four 1 1/2-hour sessions of advocate-adversary debate with a moderator, expert witnesses and live audience

Sponsor: Santa Ana College, Coro Foundation, City of Santa Ana

Community observers will act as a jury to vote at the end of each session on the topic of the meeting. These will include: 1) Should Orange County establish a Fair Campaign Practices Commission? 2) Should an ordinance be established prohibiting corporations and labor unions from contributing to county level campaigns? 3) Should an ordinance be passed limiting the amounts which an organization or individual may contribute to a county campaign? 4) Should Orange County provide public funds to finance county level campaigns? Programs will be video-taped.

## PRISON CONSTRUCTION IN CALIFORNIA — TO BUILD OR NOT TO BUILD

Six one-day forums in locations throughout the state

Sponsor: Unitarian Universalist Service Committee; Committee Against More Prisons; Coalition for Alternatives to Prison

Forums will involve a broad segment of state population, including legislators, correctional administrators, educators, members of the governor's staff, humanist scholars and the public in addressing whether there is a need for the construction of more state prisons in California and who should make this decision; what value imprisonment has as a means of social control and how alternatives to imprisonment for this purpose would affect the quality of life in the state.

## COSTS AND BENEFITS OF RAPID GROWTH IN RURAL AREAS

One-day conference and workshop

Sponsor: Conservation Training Network, San Francisco

The conference will analyze the impact of development on Sierra Nevada archaeological sites, both historic and pre-historic, and seek alternatives for the preservation or study of such sites. Participants will enumerate other concerns brought on by rapid growth and look for solutions in small groups based on similar interests. Promising ideas for practical approaches may lead to future meetings.

## MIGRANT ALIEN WORKER CONFERENCE

Two-day conference with four sessions of panels followed by small group discussions

Sponsor: Imperial Valley Campus, San Diego State University

The conference will consider the rights of migrant alien workers to such benefits as education, housing, legal services in the host country, and the extent of that country's obligation to adapt its institutions to serve migrant alien workers, as well as the socio-economic impact caused by these workers in both host and native countries. Scholars in the humanities will provide a historical base for the discussion and clarify the philosophical and social values which underlie the policy alternatives.

## COUNTER-CULTURES AND COMMUNITY LIFE: CONTRIBUTIONS AND CONTROVERSIES

Week-long series of panels and workshops culminating in a public conference

Sponsor: American Studies Program, San Diego State University

Participants will discuss the relationship of minority sub-cultures to the mainstream community in San Diego and California generally, focussing on women, youth, blacks, Mexican-Americans, homosexuals and beach people. Representatives of these groups will explore with scholars and public policy-makers the sources of friction between those who challenge the assumed norms of the community and those responsible for public policy in education, law enforcement, use of tax money, etc. They will also look at the contributions minorities make. The project is part of an extended studies course for SDSU students.

## PUBLIC POLICY ISSUES AND DISTRIBUTIVE JUSTICE: IMPLICATIONS FOR COMMUNITY

Three symposia featuring panels and audience dialogue

Sponsor: School of Social and Behavioral Sciences, CSU Long Beach

Topics to be discussed are: 1) Public Policy Issues of Distributive Justice: an overview; 2) Public Finance: Should the financing of all public services be equalized in the manner called for by the Serrano v. Priest decision? 3) Affirmative Action: How can a policy of "equal opportunity" be defined and implemented in the face of conflicting claims between the "merit principle," ethnic diversity, and a heritage of racial and sexual injustice? 4) Social Welfare Reform: How can this system be changed to better promote distributive justice? 5) School Integration: How can we define a just resolution of the growing problem of racial isolation in the public schools? 6) Illegal Immigration: how can it be controlled in a non-discriminatory and just manner?

## WHITHER LOCKE?

Sixty-minute color videotape documentary for use on public television

Sponsor: Chinese Historical Society of America

The documentary will typify the dilemmas public policy makers face in charting the future of culturally and historically significant communities, using as a case study the tiny Delta community, which was built and is still largely inhabited by Chinese. Scholars in the humanities will analyze the value considerations underlying proposals to preserve and/or develop the town. The film will also question how and by whom the planning decisions should be made that will determine whether or not the town is to be preserved. The issues of tourism, commercialization and ethnic identity will be explored together with the probable impact of proposed changes on the townspeople and the sense of community.

## RELIGIOUS VALUES AND THE AFFAIRS OF STATE

Seven bi-weekly evening sessions with various formats, all including dialogue.

Sponsor: Church for the Fellowship of All Peoples, San Francisco

On the general theme of the relationship between religion and day-to-day policy formation and implementation in the public sector, the meetings will consider: 1) Religious values and the affairs of state; 2) Religious perspectives on capital punishment; 3) Religious and political understanding of aging; 4) Brainwashing or conversion: religion freedom and cultism in America; 5) Teaching morality in the classroom; 6) The political personality, decision making and personal faith; 7) Religious values and public policy. Participants will discuss such issues and whether the state has the right to take life, what medical model the state should use in dealing with the aged, and what the state's responsibilities are regarding "moral instruction."

## COMMUNITIES WITHIN COMMUNITIES

Three video-taped programs for broadcast on public television

Sponsor: University of California, Irvine

Town hall discussions, video-taped on location, will include policy makers, humanists and community residents addressing the mutual concerns of three groups in Orange County: 1) the undocumented Mexican workers; 2) the Vietnamese refugee community; 3) the Chicano family structure. Some identified issues are: 1) whether bilingual education should be mandated and supported by the state; 2) whether undocumented workers should be entitled to social services offered to resident aliens; 3) whether it is the responsibility of the state to assist ethnically diverse communities in the preservation of their cultural heritage.



"Angel" by Linda Scott from a brochure of the Far West Institute

## WATTS: BUSINESS CRISIS OF THE COMMUNITY

Three-part documentary film, each segment to be presented at a public forum for a live TV audience that includes humanists and other panelists; forums also to be filmed to make a package for community group meetings.

Sponsor: Brotherhood Crusade, Los Angeles

The project will bring together humanists, policy makers, practitioners and the public to analyze the community's economic problems and public policies regarding commercial development. Topics will include: 1) Should government give increased tax incentives to businesses and investors in Watts? 2) Should the setting of business insurance rates based on the physical location of businesses be disallowed and/or should business insurance rates be financed or subsidized by the state in economically oppressed areas? 3) What should the role of the community and the government be in upgrading the quality of life in Watts?

## CALIFORNIA PRIMARY ELECTION COVERAGE

Half-hour documentary; 12 five-minute reports; statewide call-in program; six reports on candidates' campaign strategies

Sponsor: Capital News Bureau (KVIE & KQED), Sacramento  
The half-hour documentary will deal with the Jarvis-Gann Property Tax Initiative, Proposition 13 on the June 6 primary ballot; five-minute reports will cover all other propositions; separate reports will cover the campaign strategy and candidate image building. Humanists and journalists will answer questions about the ballot propositions during the call-in program. The entire series will be available to all public broadcasting stations in the state.

## COMMUNITY-BASED ALTERNATIVES TO INCARCERATION IN CALIFORNIA

Three day-long conferences in Marin County, San Francisco and San Jose with prepared panel presentations followed by discussion groups

Sponsor: Community as the Alternative to Prison, Lagunitas  
Conferences will bring together criminal justice professionals, ex-convicts, political officials, humanist scholars and the public to consider such questions as 1) What are the value issues and conflicts raised by the concept of a community-based alternative to incarceration? 2) What can and should we mean by "community" and can it be fostered by an alternative criminal justice program? 3) Are there historical and cross-cultural examples of community-based alternatives that provide lessons applicable to the current issue? 4) How, if at all, do community alternatives articulate with recent movements toward local autonomy, decentralization, and neighborhood improvement?

## THE CONTROVERSY OVER LIVESTOCK GRAZING ON PUBLIC LANDS IN MODOC COUNTY

Twenty-seven minute documentary film

Sponsor: Modoc County Chamber of Commerce

The film will concentrate on a single parcel of publicland, the Cowhead Massacre grazing district, administered by the Bureau of Land Management and leased to individual ranchers for livestock use, as a symbol of the controversy between environmentalists, recreationists, and families and communities whose economy depends on the livestock industry and on the use of government owned land for grazing. It will explore attitudes toward the family farm and the small agricultural unit vs. the further commercialization of agriculture and concentration of land ownership. Finally it will look at the political processes and sources of power in rural America, again by analyzing these issues in a small geographic area.



# October 1977, January 1978



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## INDIAN TREATY RIGHTS AND SOVEREIGNTY: A LEGACY IN PERPETUITY

Two-day public forum with specialists as presenters and lay people as respondents

Sponsor: Department of American Indian Studies / North American Indian Student Alliance, San Diego State University  
Participants will address the following major questions: 1) Are issues of sovereignty applicable to all Indians (invoking the constitution) or are they only applicable to tribes with extant Federal Treaties? 2) Does a traditional pattern of land use or occupancy have evidence from oral history and custom that supports a legal stance on aboriginal rights? 3) Does the legal principle of eminent domain impact on tribal control of water, mineral and energy resources, and hunting and fishing rights? 4) Can individual Indians find recourse in litigation over conflicts concerning access, zoning, leasehold or ownership issues contrary to the will of the tribe? Scholars presenting perspectives will be drawn from history, anthropology, literature, political science and American Indian studies.

## THE STRUCTURE OF THE LABOR FORCE IN THE SOUTH-WEST

Two-day conference with 16 individual sessions, two running simultaneously. Format will be presentation of papers with audience commentary or workshop-discussion; films, book exhibits, banquet speakers

Sponsor: Institute of Industrial Relations, University of California, Berkeley

Historians and labor activists will address issues of mutual concern from their differing perspectives. Session topics will include: ethnic groups in the labor force, trade union minority leadership, the role of the Central Labor Council in California, effects of technological change on the labor structure, the role of retirees in the labor movement, the changing role of women in the labor movement.

## THE POLITICS OF PRESERVATION

Two-day conference

Sponsor: Pitzer College, Claremont

Three panels will address the following topics: 1) The politics of preservation from formulation to implementation (at the federal, state and local levels); 2) the philosophy and aesthetics of preservation; 3) the history and future of preservation in Claremont. They will explore how an essentially historic and aesthetic concern such as historical preservation can be translated into public policy, and whether the breakdown of a community into two separate camps, one future and development oriented and another past and preservation oriented, can be avoided. The conference marks the acquisition by the college of the historic Zetterburg House, built in 1907, which has been moved to the campus for repair and restoration.

## THE ROLE OF CULTURAL HERITAGE AND PUBLIC POLICY: PAN ASIAN SEARCH

Four one-day conferences in panel discussion-workshop format

Sponsor: Union of Pan Asian Communities of San Diego County, Inc.

Each conference will examine the effects of public policy on Pan Asian groups and the state at large in a specific area: 1) Education: policies affecting implementation of multi-cultural and bilingual education programs. 2) Affirmative action / equal opportunity: policies affecting the numerical goals of affirmative action programs and classification of Pan Asians. 3) Immigration: differential policies for citizens versus permanent resident aliens, assistance to immigrants. 4) Human services: policies affecting the allocation and delivery of services.

## HOSPICE, PUBLIC POLICY AND THE DEVELOPMENT OF COMMUNITY

Three two-hour, video-taped workshops, one in each of three counties (Ventura, Santa Barbara, San Luis Obispo)

Sponsor: Tri-County Commission for Senior Citizens, Area Agency on Aging

The three sessions are designed to integrate a variety of disciplines for a communal approach to Hospice counseling and work toward creation of an extended family or community support for terminally ill persons and their families. The topics are: 1) Death, dying and public policies: a socio-cultural investigation; 2) Hospice and public policy: an inquiry into legislative and community development issues; 3) Hospice and volunteerism: revitalizing the sense of community in the tri-counties.

## VOLUNTARISM AND PUBLIC POLICY

One-day conference with presented papers, panels and workshops

Sponsor: Los Angeles Section, National Council of Jewish Women

Among the topics treated will be the development and role of voluntarism in this country from the past to the present, the public image of the volunteer, and various proposals to recognize volunteer service. The conference will consider the possibility of community consensus regarding the volunteer experience and the implications of developing a public policy which would encourage voluntarism.

## SISKIYOU AWARENESS CONFERENCE

Two-Day Public Information workshop / conference

Sponsor: College of the Siskiyous, Weed

The conference will focus on laws relating to water: whether it should be considered a public resource, how far and by whom its sources, utilization and development should be regulated. Three workshop sessions will deal with: 1) Water laws and legal aspects of water utilization; 2) Exporting water — its implications; 3) Ground Water Exploitation. Humanist scholars will interact with state and federal decision makers, technical experts and the public in assessing the increasing pressures on controllers of local water supplies, and the relationship of water resources to the quality of life.

## CIVIL LIBERTIES RADIO PROJECT

Series of hour-long radio documentaries followed by audience response in "talk show" format

Sponsor: Pacifica Radio — KPFA; ACLU Foundation of Northern California

Three documentary radio productions will each explore all sides of a current policy question involving clashes over civil liberties principles, to provide the audience with an exposition of the issue, legislation proposed to alter it, a humanistic analysis of the historical, ethical and philosophical aspects of the issue and a treatment of how it divides the community. Tentatively selected issues include: 1. California conservatorship laws, "deprogramming" and religious freedom; 2. Regulation and control of lobbying; 3. Free speech for extremist groups. Tapes will be offered for national distribution to educational broadcasting stations and academic institutions.

## PUERTO RICANS — A THIRD WORLD MINORITY IN CALIFORNIA

One-day symposium with panel discussions, workshops; plenary session for community comment

Sponsor: Puerto Rican Task Force, Inglewood

The forum is planned to initiate dialogue and open channels of communication focusing on education and employment needs of Puerto Ricans in California as a distinct ethnic group. Among the education issues will be how to meet the ethnic challenge and provide an equal opportunity to the diversity of hispanic students in the Los Angeles area, and how to assure that Puerto Rican students in particular, as a minority within a minority, can be assured of equal opportunities in higher education. Employment issues will include whether government agencies are dealing with the specific employment needs of the minority people, particularly Puerto Ricans and whether Puerto Ricans receive an equal opportunity in seniority and in affirmative action programs in the county. Also discussed will be the impact of union policies and of language problems.

## OFF SHORE OIL DRILLING: THE IMPACT ON SAN DIEGO OF LEASE SALE 48

Public forum with two-way audio / video satellite link to federal officials

Sponsor: University of California San Diego Extension; City of San Diego; County of San Diego; San Diego Comprehensive Planning Organization

The forum will examine the conflict between the need for a comprehensive national energy policy and the concern for local integrity in assessing and responding to potential adverse impacts from such a policy on a specific geographic region. It will also address the broader issue of how citizens in a technologically advanced democratic society can exert influence on the development of public policy when the issues involved are complex and technical. Secretary of the Interior Cecil Andrus and California Senator Alan Cranston will participate by satellite because of the federal involvement in the issue.



# Calendar of Events

## THURSDAY, MARCH 30

Long Beach, 9 a.m.-5 p.m. "Public Policy Issues and Distributive Justice," Edgewater Hyatt House, 6400 E. Pacific Coast Highway. Sponsored by California State University, Long Beach (213) 498-4704

## FRIDAY, MARCH 31

Long Beach, 9 a.m.-5 p.m. Second session, "Public Policy Issues and Distributive Justice."

San Diego, 9 a.m.-5 p.m. "Who Owns the Coast?" University of California San Diego, Alcalá Park. Sponsored by Coastal Act Research Group (714) 484-1807  
 Calexico, 9 a.m.-10:30 p.m. "Migrant Alien Worker Conference," 720 Heber Avenue. Sponsored by Imperial Valley Campus of San Diego State University  
 San Francisco, 8-10 p.m. "Personality, Decision-Making and Personal Faith," 2041 Larkin St. Sponsored by the Church for the Fellowship of All Peoples. (415) 566-0479

## SATURDAY, APRIL 1

Long Beach, 9 a.m.-5 p.m. Third session, "Public Policy Issues and Distributive Justice."

San Diego, 9 a.m.-5 p.m. Second session, "Who Owns the Coast?"  
 Calexico, 9 a.m.-5 p.m. Second session, "Migrant Alien Worker Conference."  
 Santa Monica, 1-4:30 p.m. "Taxes," 1260 18th St. Sponsored by Unitarian Community Church of Santa Monica

Ventura, 9 a.m.-3:30 p.m. "Planning for the Future of Ventura County," Buena High School, 5670 Telegraph Rd. Sponsored by Environmental Resource Agency of Ventura County (805) 648-6131, x 2468.

## SATURDAY, APRIL 8

San Diego, 9 a.m.-5 p.m. "Counter-Cultures and Community Life: Contributions and Controversies," Montezuma Hall, San Diego State University campus. Sponsored by the American Studies Program at SDSU. (Note: activities related to this conference will take place on campus at Aztec Center from April 4-7.)

East Palo Alto, 9:30 a.m.-5:30 p.m. "School Finance," 2050 Cooley Ave. Sponsored by Stanford-Midpeninsula Urban Coalition (415) 497-3335

## MONDAY, APRIL 10

Sacramento, 7:30-8 p.m. "Themes in the Black World," KVIE-TV, Channel 6. Sponsored by the Sacramento Area Black Caucus (916) 456-4981

## TUESDAY, APRIL 11

Big Bear Lake, 7:30 p.m. "Government Decentralization," North Shore Elementary School, 765 Stanfield Cutoff. Sponsored by the Big Bear Valley Mental Health Association (714) 866-7298

## WEDNESDAY, APRIL 12

San Diego, 9 a.m.-4:30 p.m. "Indian Treaty Rights and Sovereignty: A Legacy in Perpetuity," Montezuma Hall, San Diego State Campus. Sponsored by the Department of American Indian Studies at SDSU.

## THURSDAY, APRIL 13

San Diego, 9 a.m.-4:30 p.m. Second session of "Indian Treaty Rights and Sovereignty"

## FRIDAY, APRIL 14

Claremont, 12 noon-10 p.m. "Politics of Preservation," Santa Fe Railroad Station, downtown Claremont. Sponsored by Pitzer College  
 San Francisco, 8-10 p.m. "Religious Values and Public Policy," 2041 Larkin St. Sponsored by the Church for the Fellowship of all Peoples

## SATURDAY, APRIL 15

Claremont, 8:30 a.m.-3 p.m. Second session of "Politics of Preservation," Pitzer College Campus, 1050 North Mills Ave.

## FRIDAY, APRIL 14

Weed, 7-10 p.m. "Siskiyou Awareness Conference," College of the Siskiyou Theater. Sponsored by College of the Siskiyou (916) 938-4463

## SATURDAY, APRIL 15

Weed, 8 a.m.-3 p.m. Second session, "Siskiyou Awareness Conference," College of the Siskiyou Theater.

## SATURDAY, APRIL 22

San Diego, 8:30 a.m.-3:30 p.m. "The Role of Cultural Heritage and Public Policy: Immigration Issues," Federal Building. Sponsored by the Union of Pan Asian Communities of San Diego County (714) 232-6454

## MONDAY, APRIL 24

Sacramento, 7:30-8 p.m. "Themes in the Black World," KVIE-TV, Channel 6. Sponsored by the Sacramento Area Black Caucus.

## TUESDAY, APRIL 25

Los Angeles, 9 a.m.-4 p.m. "Volunteerism and Public Policy," Muses Room, Museum of Science and Industry, Exposition Park. Sponsored by National Council of Jewish Women. (Admission by pre-registration only) (213) 651-2930  
 San Francisco, 12 noon-1 p.m. "Regulation and Control of Lobbying," KPFA Radio, 94 FM. Sponsored by Pacifica Radio-KPFA with the cooperation of the ACLU Foundation of Northern California

## WEDNESDAY, APRIL 26

San Francisco, 7:30 p.m. Panel discussion on "Regulation and Control of Lobbying," KPFA Radio, 94 FM

## FRIDAY, APRIL 28

San Diego, 7-7:30 p.m. "Newstink," KPBS, Channel 15. Sponsored by the San Diego State University Foundation

## TUESDAY, MAY 9

Big Bear Lake, 7:30 p.m. "School Bonds," North Shore Elementary School, 765 North Stanfield Cutoff. Sponsored by the Big Bear Valley Mental Health Association (714) 866-7298

## FRIDAY, MAY 26

San Diego, 7-7:30 p.m. "Newstink," KPBS, Channel 15. Sponsored by the San Diego State University Foundation

## Historian Wins Award

Humanities Council member W. Turrentine Jackson, Professor of History at the University of California, Davis, was recently selected to receive the honor of 1978 Fellow of the California Historical Society. The award was given in recognition of Jackson's outstanding contributions to California and Western history, as teacher, scholar and author of significant books such as "When Grass Was King," "Wagon Roads West" and "Early Planning Efforts at Lake Tahoe."

The Historical Society also commended his pioneer work in developing historical perspectives in environmental studies centered on the natural resources of the Lake Tahoe area.

Jackson accepted the award at the Historical Society's Annual Meeting Banquet in Carlsbad on March 11.

## New Council Members

Continued from page 7

District, Sanger Union High School, and Fairmont Elementary. A member of Rotary International, he served in 1974-75 as District Governor of Rotary for the central California Area.

Dr. Wasserstrom is a member of the California State Bar as well as a professor, and spent three years as Dean of the College of Arts and Sciences at Tuskegee Institute. He holds degrees in philosophy

A special series on California taxation issues will appear in newspapers throughout the state in the fall of 1978.

The series is being coordinated by the California Tax Reform Association with a grant from the California Council for the Humanities in Public Policy. It is linked to a 15-part national newspaper series entitled "Taxation: Myths and Realities," prepared by Courses by Newspaper (CbN) at University Extension, UC San Diego.

Courses by Newspaper, now five years old, is funded annually by the National Endowment for the Humanities. The taxation course is the ninth in an ongoing series that began in 1973.

The California Tax Reform Association is a statewide citizen's tax reform organization based in Sacramento. The 3,000 member group works to develop citizen awareness and participation in the California state and local tax system.

Dr. George A. Colburn, CbN Director, believes that California editors will be especially receptive to the series in an election year when "tax reform" is on the

from Amherst and the University of Michigan and a law degree from Stanford and has received four fellowships including a Guggenheim and a Visiting Fellowship to All Souls College at Oxford. He has written more than a dozen articles and a book, and has edited three more books on various aspects of morality. He is a member of the Editorial Board of *The Monist*.

lips of most politicians. In addition to the special California newspaper series, there will be public radio programs, seminars, workshops, and public forums on the subject of taxation held throughout the state in fall 1978. Funding for the development of these related activities is also provided by the CCHPP.

Newspapers in California signing up for the CbN series will receive the California series as well. In the past, more than 30 California newspapers have participated in CbN program, which is available free of charge to the first newspaper in a community that requests it.

The newspaper series serves as the basis of a credit course offered at participating colleges and universities. CbN provides books, texts, and promotional materials for these courses. Several thousand California residents have earned college credit for CbN courses over the years.

Academic coordinator of the national series is Dr. George F. Break, professor of economics at UC Berkeley. Coordinating the California series is Dr. Elliott Brownlee, associate professor of economic history at UC Santa Barbara.

Listed below are the topics and authors for the California series:

1. Why State and Local Taxes?
2. The History of California Taxation: Where Do We Fit In?  
Dr. Elliott Brownlee
3. Tests of a Good Tax System: How Does California Stand Up?  
Professor Brian Murphy, Dept. of Political Science, UC Santa Cruz
4. The Ethics of Tax Evasion  
Professor John Crossley, Jr., School of Religion, USC

5. Unemployment and Taxes in California

Professor Art Pearl, Dept. of Psychology, UC Santa Cruz

6. Financing Education: What are the Options?

Professor John Crossley, Jr.  
7. Can We Design a Better State Personal Income Tax System?

Martin Huff, Executive Director, Franchise Tax Board

8. Local Taxation and Inflation

Professor Perry Shapiro, Department of Economics, UC Santa Barbara

9. Proportional or Progressive Taxes: Which Are More "Fair?"

Dean William May, School of Religion, USC

10. A Political Legitimacy: The Biggest Tax Problem?

Professor Brian Murphy  
11. Should We Tax the Corporate "Person?"

Dr. Mark Juergensmeyer, Center for Ethics and Social Policy

12. Taxation in a Complex Society: Recipe for Resentment

Dr. Otis Graham, Professor of History, UC Santa Barbara

13. The Way America Taxes: An Anthropological Perspective

Dr. Laura Nader, Anthropology, UC Berkeley

14. Alternate City and County Revenues: Are Taxes the Solution or the Problem?

Dr. Clayborne Carson, Urban History, Stanford University

15. Taxation and Human Values: A Contradiction in Terms or Merely Difficult to Imagine?

Professor Richard Musgrave, Department of Economics, UC Berkeley



# Assembly Bill 65 - the Legislature's Response

Prepared by the California Coalition for Fair School Finance

Assembly Bill 65, passed by the California Legislature and signed by Governor Brown in September, 1977, carries financial provisions that will affect every elementary and secondary school in California. In addition to making substantial changes in the state school finance system, AB 65 covers a wide array of education areas: proficiency testing, staff development, school improvement programs and programs for special categories of children.

The Legislature, in revising parts of the laws specifying how schools are to be paid for, was responding directly to the 1976 *Serrano v. Priest* decision of the California Supreme Court, in which the Court said that differences in dollar amounts spent on each school child in the state were unconstitutional if the spending differences were caused by disparities in local property values among school districts. The Court ordered the Legislature to reduce such wealth-related differences in spending to amounts considerable less than \$100 per pupil by 1980. The Court also declared unconstitutional the wide variation in tax rates which is also caused by vast differences in local districts' property wealth. By these rulings, the decision required changes in the state's system of education finance, but it did not say whether or how much new money must be put into education, where such money should be raised, nor how it should be spent. It specifically handed those problems to the representatives of the citizens of California.

People speak now of the "Serrano principle" which holds that the quality of education a child receives must not depend on the wealth of his neighbors, and the "Serrano challenge" which faced the Legislature in its efforts to modify California's system of school finance to conform to the Court's mandate.

To meet the challenge, AB 65 makes several changes in the existing finance methods. The Legislature did not alter the primary source of funding for schools — local property taxes — or the limit placed on the number of dollars a school district may raise per pupil. Neither did it put aside the traditional state procedure for funding schools — payment of a guaranteed minimum level of support for each student in the state.

AB 65 amends the funding formulas, lowering state support for districts high in assessed valuation of real property, while increasing the support to districts with low property values. It also requires some of the property tax dollars raised in "high wealth" districts to be paid to the state for redistribution to lower wealth districts. This is intended to lower high tax rates in "low wealth" districts through an increase in state support. The new law allows expenditures to increase faster in low wealth districts, thus reducing the differences in spendable income between them and high wealth districts.

The actual impact of these provisions will vary widely among school districts throughout the state. The formulas are based on statewide averages and depend on statewide fluctuations in assessed valuation; their application in each individual district depends on the special characteristics of that district. In general, high wealth districts will receive less state aid and will have higher property taxes than before AB 65. Low wealth districts will have lower property taxes because they will receive more aid from the state. Some of the low wealth districts will have considerably more money to spend per student than before AB 65.

Specifically, AB 65 intends to meet the Serrano challenge by:

- increasing the state-guaranteed minimum support per pupil (foundation program)
- retaining the ceiling on the amount of money each district may raise per pupil (revenue limit)
- adjusting the inflation increase allowed in revenue limits, so that low wealth school districts can increase their income faster than high wealth districts
- reducing the minimum state payment per pupil (basic aid) to \$120 for all districts, causing higher wealth districts to receive less state aid.
- guaranteeing that the state will maintain a constant share of the total foundation program even when statewide property values increase (slippage)
- reducing tax rate disparities among districts by requiring higher wealth districts to contribute some local property tax dollars to the state for distribution to lower wealth districts. In low wealth districts, tax rates are expected to be lowered because of additional state support, some of which will be collected from the taxes levied in higher wealth districts.

## The Scope of the Problem

Whatever California's problems in education may be, they are complicated by the sheer size of the operation. California has more children in Kindergarten through high school — four and a half million — than 34 other states have in total population. Public schooling is the state's largest employer: 1,042 districts employ more than 360,000 people, who make up 4.6 percent of the state's work force. Together, the students, teachers, administrators, and support staff comprise nearly a quarter of the state's inhabitants. The cost of all this is more than seven billion dollars per year, larger than the Gross National Product of many small nations.

Along with size comes immense variation — the number of students in one school ranges from under ten to over 3,000. Los Angeles Unified School District contains 650,000 pupils, nearly 14 percent

of all public school students in the state. Four more urban districts, Long Beach, Oakland, San Diego and San Francisco, account for another 6 percent between them so that these five large districts contain one-fifth of the state's school population. On the other hand, rural districts exist where the three trustees outnumber the two teachers, and total school enrollment is under 20. Assessed property value per child in a district ranges from a low of just over \$600 to a high of nearly \$2.5 million.

There are problems, too, beyond sheer numbers. Of the 4.5 million students in the state, more than a million come from homes whose income is below the welfare needs standards. Almost half a million have definable mental or physical handicaps that make their education difficult. Over 250,000 come to school not speaking the English language.

Does AB 65 comply with the Serrano decision? The Court required that "all school districts have an equal ability in terms of revenue to provide students with substantially equal opportunities for learning." Wealth-related disparities in expenditures must be reduced to "insignificant differences," and wealth-related variations in tax rates must be reduced to "nonsubstantial variations." The Legislature hopes that the revisions included in AB 65 will, in fact, result in a system which the Court will find in compliance with its rulings.

A number of other provisions of AB 65 provide major funding to eligible districts on the basis of special needs and qualifications of individual students in the district. Such "categorical" aid is not considered "Serrano-related" because the Court specifically excluded it from the equalization requirements.

### AB 65 and Your Local School District

Will your school district have more or less money to spend on schools in the coming years? Will your property tax rates for schools go up or down? Will your school district receive equalized funds or pay in some of your locally raised money to the state school fund?

Answers to these questions have to be based on information specific to your school district. The actual calculations to determine income will be done by your district administrators and by the business staff of your County Superintendent of Schools. These calculations depend upon your district's

- average daily attendance
- property wealth (assessed valuation)
- property tax rate for schools
- revenue received from state guaranteed minimum support payments
- ceiling on the amount of money it can raise per pupil (revenue limit)
- variations in enrollment from year to year
- students who have special needs, such as the handicapped, bilingual, low income
- special programs such as School Improvement Programs

Some of the formulas in AB 65 depend on annual statewide changes in assessed valuation; others depend on the actual amount of money appropriated by the Legislature or the amount contributed to the State School Fund by high wealth districts. These factors combine to create a financial effect which will vary from year to year from district to district.

## AB 65 and Proposition 13

Any legislative measure that proposes a major reduction in local property taxes, which provide more than half the money for school support under the present system, would, if passed, have an effect on school finance and AB 65. Proposition 13 on the June state ballot, known as the Jarvis-Gann Initiative, would accomplish such a reduction, limiting property tax to 1 percent of the full cash value of property.

This measure is a Constitutional amendment which could only be revoked or changed by another vote of the people. The reduction in property tax is specifically made permanent in the initiative, which prohibits any raise in taxes on real property in the future, either by the Legislature or by the citizens of cities, counties or special districts.

The language of the initiative provides no clue as to how the amount of property tax revenue still allowed to be collected should be divided among the many agencies that now depend upon it. Section 1 says that the 1 percent tax is "to be collected by the counties and apportioned according to law to the districts within the counties." Since there is now no law that covers such an apportionment it is not possible at present to predict how the money would be divided.

The amount of loss to the schools would depend upon what proportion of the remaining revenue was allocated to them, or what other sources of supplementary money (such as high taxes of other kinds or appropriations from the state surplus) were supplied for school use.

Legislation has recently been proposed to either make special provision for the schools or to raise other kinds of taxes, but nothing has been passed.

Since the initiative also makes no mention of replacement revenues, no one can say at this point whether or how much lost school support would be replaced.

Operating the schools as usual until the money runs out and then closing them down completely is not a legal option for school districts unless the laws are

changed. At present California public schools are required by law to be in session for 175 days a year.

Legislative analysts familiar with school finance are of the opinion that the Serrano-related features of AB 65, as outlined above, could not be enacted if Proposition 13 were to pass.

A recently-passed legislative measure that also relates to property tax reduction is SB 1. This law relates only to owner-occupied homes, not to all real property, and consequently will produce a revenue loss small enough to be offset by the state surplus. Replacing the lost money in this way would mean that SB 1 would not have a significant effect on the implementation of AB 65.





# — The Right to Education; Equality and the State —

Continued from page 4

be educated by the state since the state as the most powerful of the institutions which confront him is not likely to respect this measure of independence to which he is so attached nor is it likely, in educating him, to form in him the critical powers he will need if he is to judge its acts. A person so situated and so disposed will wish to keep both education and culture as far as possible outside the sphere of influence of the state so as to insure that the individuals they form will be autonomous and creative in a way that, Mill believes, the interest of the state is unlikely to permit. Such an education will, at any rate, have a kind of normative status and if regrettably it is not feasible that the education of all should be carried out on like principles, the special provision which the state must make for the poor must never be generalized or allowed to absorb the system of educational provision in the private sector.

Mill's discussion of these matters is really a straightforward application of classical liberalism to education and for just this reason it may strike one as hopelessly out of date. Our situation today is almost exactly the reverse of Mill's in that private-purchase schemes of education now serve only a small minority of those who have to provide an education for their children; and the great majority of the latter attend schools that are both financed and managed by public authority. Whether Mill's fear that such a state-managed system of education would necessarily be "a contrivance for moulding people to be exactly like one another" has been confirmed by the American experience is still a matter of debate.

It should be pointed out in this connection that during most of our national history it has been widely felt that the public schools *should* contribute strongly to the creation of a measure of uniformity among the diverse groups of which our population has been composed. Mill's fear has accordingly not been widely shared by observers of the public educational system in this country. One further reason for this lack of apprehension has been the fact that although public school systems have in this country been "state-managed" in the sense that they were maintained out of tax monies, the principle of local control has been honored and therefore a centralized national school system in the European manner has not been a feature of the American scene.

One result of this set of arrangements has been that wide disparities exist between the levels of educational provision in different localities as these are measured in terms of expenditures per student. One might even say that within a system of publicly supported education an analogue has emerged to Mill's contrast between those parents who are capable of providing an education for their children out of their own resources and without reliance on public aid and the poorer parents who cannot. Whatever the merits of the system of local control, however, it seems very doubtful whether it has been a very effective counterweight to the kind of homogenization that Mill feared. Broadly speaking, it appears that with the increasing nationalization of all sectors of American society educational authorities exercise little control.

In any case the existence of these inequalities within the public system leads to a new form of intervention by the state that is designed to equalize the levels of educational provision in the different school districts — rich and poor — within

the state. In some ways, at least in the American context, this new role for the state may prove as significant as either of the two prior forms of state involvement in education that were mentioned above: aid to poor parents within the framework of a private-purchase system of education and the requirements that all localities maintain a free public school to be supported out of (mainly) local tax monies. If under a locally managed and financed system of educational provision it is as though parents — actual parents as well as those who have been or may be — were banding together in localities and under the convenient auspices of public authority to provide jointly for the education of their children, the new requirement of state-wide equality in levels of educational support places much greater emphasis on the obligation of all the citizens of the state — in this case the State of California — to support the education of all the children in that state.

To this new emphasis there in fact corresponds a conception of the right to education in which common membership in a political community really replaces the parent-child relationship as the basis for the right to education and its corresponding duty. In a democratic society at least, it can be argued, each citizen has an obligation to see to it that his fellow citizens are enabled to function competently and competently and intelligently in the public role which a share in social decision-making carries with it. A democracy in which this obligation is not honored and wide sectors of the population remain illiterate or receive only the most rudimentary education would conspicuously fail to realize one major aspiration that has been associated with

democracy as a political system.

One may also suspect that the formal right of participation which such a society would extend to its citizens would be substantially undercut as a result of the educational inequalities it would permit to exist. There is a parallel here (and one which the *Serrano* decision itself draws) between the understandings governing the public provision of education and the principle that legal assistance must be made available by the state to those who have to appear in its courts but cannot provide legal counsel for themselves. If this principle were not recognized, the right to a fair legal education of matters in which their interests are involved would hardly be of much value to the poor. Similarly, the formal right of participation in the political life of a democratic society would lose most of its value if the educational qualifications for such participation were to be available only through private-purchase or in the inferior form which may be all that a poor locality can provide for itself.

This, I say, is a powerful and persuasive line of argument and if its logic is accepted then there can be no real doubt about the soundness — moral as well as legal — of the *Serrano* decision. In this spirit it might be argued that there is no necessary connection between the special responsibility that parents have for the education of their children and the present system of supporting public education largely out of the locally available tax base. There is, in other words, no special right on the part of parents in certain economically favored areas to make themselves the unit of cooperation for purposes of supporting education to the exclusion of parents in less affluent localities. This, too, seems to

me to be a sound argument and it certainly suggests that once the framework of government is used by parents for the purpose of supporting and managing the education of their children these arrangements must be subject to the general requirements of justice to all the members of the political community — in this case the state — under whose auspices this cooperation takes place. The appearance of a conflict between a conception of the right to education to which a duty on the part of the parent corresponds and one in which the role of citizens and fellow citizens are of paramount importance would thus be removed.

What then are the "problematic aspects" of which I spoke at the outset? After all, in the *Serrano* decision the Supreme Court has taken care to separate the issue of equality of support for which the state is to be responsible from that of the actual management of schools — the hiring of teachers, the design of the curriculum — which local districts will continue to control. One does not have to be an incorrigible sceptic, however, to wonder whether in practice this distinction can be quite so neatly made and whether the one absolutely certain consequence that will flow from these decisions is not that the state will exercise even more power over all aspects of public elementary and secondary education than it already does. If this is so, and if one believes as I do for both the reasons stated by Mill and others that grow out of our own recent national experience, that the state is very poorly equipped to meet these responsibilities, the enthusiasm which would otherwise be the only proper response to a just decision in a matter of such broad human consequence must inevitably be qualified. It is an ironic fact of our national history that the effort to realize effective social equality typically issues in the transfer of responsibility to higher and higher administrative levels of government and in these lofty regions the conditions of vision tend to be poor, at least when it comes to perceiving what is really taking place in the fog-bound regions below.

As a result the situation as regards education is already one in which both teachers and schools find themselves in the relentless grip of "innovative programs" that have been decided upon in a stunning degree of abstraction from the realities of human nature and school life. Whether in these circumstances a new increment of responsibility and authority for the administrative levels of the educational bureaucracy will be associated with a greater capacity to perceive educational needs and the differences among these that correspond to the different sectors and levels American society, otherwise than through a political and legal telescope, must remain at best unclear. As examples of the insensitivity of government when it operates in this sphere, I would cite the action of the Federal judge in the Boston desegregation case who ordered the Boston Latin School to use racial quotas in its admission procedures and the insistence of the Ministry of Education in Britain that grammar schools that wish to qualify for state aid become comprehensive schools. When enforced in this way the requirements of justice become an instrument of social and cultural homogenization that confirms Mill's worst fears. I hope that the *Serrano* decision will not become the instrument of a similar misconception of the long-run interest of our society in matters of education.

## Rights and School Realities

In the paper presented on rights and the consciousness of rights, the statement is made, "in conclusion we are conscious of education as an emerging right, not just because it is increasingly desired and increasingly possible to provide, but also because we have a moral obligation to develop our intelligence." Language in the *Serrano-Priest* decision seems to support this conclusion. It certainly suggests that inequality of education denied a basic right. However much we agree on such words as right, moral, equal, the issue for school people in the field is how to translate these agreeable terms into specific action. Once the philosophical dust has settled, we're faced with a practical question such as, "What'll we do with the kids next Tuesday?" and, in the context of the *Serrano-Priest* decision, "Will we be able to do as much for our kids next Tuesday as the school district next door?"

Now things begin to get sticky when we apply the word, "equality." There is a serious risk that we will find ourselves in the Orwellian situation of some districts being more equal than others. But how can that be, if the districts are provided with equal financial support? Doesn't that guarantee equality? Well, of course it doesn't!

If District A has a large, transient population, with a low socio-economic status and District B hasn't, District A will need money for school aides to provide for safety, money for special reading classes or reduced class size,

salaries for more psychologists and counselors, more funds for materials and textbook attrition, money to pay for specialized program development, more money for insurance costs because of increased vandalism, and more money for a host of specialized needs which are essential, and are alien to District B.

Or if District A has a large non-English-speaking population and District B hasn't, District A must spend money for bilingual education. And if District A has a host of other individual needs lacking in District B, District A will spend yet more money. Now, given equal distribution of funds, how is it possible for these two districts to be equally effective in their regular program when the funds of District A have been depleted by special needs? So it's possible for equality to lead to inequality because of a simplistic view of financial support.

Equality should be a goal, and in view of widely diverse needs among school districts, equality requires looking at the needs of those being educated, not counting the community's factories. And unless the state is willing to provide some inequality of support to bring about some equality of educational opportunity, such philosophical notion as right, moral and equal, will remain carefully tended velvet boxes in ivory towers.

— Ramon Cortines  
Superintendent of Schools  
Pasadena



# Humanities, Educational Quality, and Serrano

Continued from page 3

himself into a catastrophe, and the teacher could not resist a sarcastic comment. She observes and judges every deviation from immobile silence.

All children have their reading workbook on their desk now. Silence. Teacher towers over them, examines the book, sees a picture of a family eating breakfast. "Name some cereal that you can eat."

Simultaneously she turns to Frank and says sharply, "Take it out." The boy had a pencil in his mouth. Frank, stunned, replies "Bugs Bunny cereal." He responds to her attack by answering her questions. His troubles are only beginning now.

"Bugs Bunny cereal?" she says, "I never heard of Bugs Bunny cereal. Have you class?"

"Noooooo." wails the class.

Teacher then inquires again. Another boy, Richard, says that the name of the cereal is Tricks.

"Spell it, Frank," she commands. Her voice is slightly venomous as if she anticipates that Frank will make a mistake, and she is counting on it. "Go to the board." She has upped the ante for Frank. Now he must perform for the class. The pressure is mounting.

Before Frank can get to the board, teacher says "Class, what is the first letter?" Frank is already compromised. She implies that he cannot do the work and that there is no point waiting for him to come up with the answer. He is her whipping boy.

Class says "T".

"Come on Frank, come on," prods the teacher. Frank is trying to get the chalk to the board, and he struggles to form a letter "t". He finally makes a tiny t on the board.

"No, that is not right" she snarls. Frank did not cross the t at the right place so far as the teacher was concerned.

"Next letter," says teacher. Kids say "r". Frank preempted the class by beginning his r right away.

"Frank, Oh, no!" That is not an r." Frank finally makes an r. A tortured i follows.

"Next letter," she snaps.

Class says "X". Teacher does a double take. The cereal is spelled Trix.

Before Frank can get his chalk to the board — literally, between the time he picks up the chalk and the time he tries to put it to the board, she says "Look Frank, an x goes like that" and she makes an x in the air. Frank is condemned to write a four letter word which has become obscene *denovo*.

With Frank still at the board, chalk in hand, the teacher says, with no transition, "All right class, are you ready?" She turns on a tape recorder containing a new lesson. Frank stands deserted at the board having been chastized for having his pencil in his mouth, for not being able to figure out the first letter of his own work, for not being able to cross a "t" at the right place, for not being able even to make an x, and, most of all, for responding to the teacher's original question...Mrs. Lamberts never laid a hand on Frank, and, yet, he did everything she asked and more.

Elsewhere I have analyzed this and other examples at length in terms of the intrapsychic effects the teacher-child relationship has on the development of the child. These findings cannot be restated here in detail, but let me summarize what may be obvious. The child in a harsh, disciplined classroom or a gentle setting usually finds himself in a situation where the teacher establishes an expectation and the child is compliant. The power of the teacher is enormous, the ability of the child to alter the situation is small, and

often it is pitiful as in the case where rage leads to disciplinary infractions. Most children settle with their circumstances by entering into a ritualized pattern of compliance which I believe instills in them a specific personality quality which I have called "hyperindividualism", a quality which combines drivenness and compliance. It literally becomes a drive to comply, and I leave unexamined here the implications this has for autonomy, creativity, and the values of the humanities.

All of the economic debate and policy analysis which we might do in Sacramento or Los Angeles or Washington does not have much impact on little Frank or Mrs.

## Serrano Can Make A Difference

I think Serrano can make a difference because it can open up for the first time in many years a positive move toward a public debate about what schools can do. Up until now the whole monopoly of discussion has been one story after another of what schools cannot do...

What we need to do now is take the decision out of the notion of merely dollars and start talking about education and what it has to be, what makes it good; in that context we're got to do more than just talk about more bread.

We've got to talk about children in the context of a society; you can't have an equal education in an unequal society; that's impossible. So the whole relationship between schooling and whatever kind of society we want to live in, whatever kind of total vision for the future we have, and what the logical consequences of this kind of schooling are for those kinds of goals, becomes crucial.

For instance, whether we talk about full employment as a right is to me basically immaterial. As a necessity, I think it's absolutely imperative or our society will not function in any way at all that can bring it back, any kind of notion of a society unless we start with an assumption of useful employment, and that schooling and employment are related. We can sit around and talk about them as not being related, but schools are primarily a *status quo* institution. In a credentialed society, they organize people's future lives, and we must address that in some comprehensive and understandable way. To make it recognized that from a political perspective a change in education, to provide equal education for a better society for most of us, is an imperative.

One last point I think we have to look at is how we got ourselves into the mess we're in. One reason so much of the stuff is coming out of velvet boxes and ivory towers is that the people who have been involved with the administration of schooling have not been very helpful in the last 20 years in generating proposals for adequate education into the public discussions. They left it to us ivory tower philosophers to do that job, and I would suggest that I'd feel much happier if they did it and I could go back and do other kinds of things...

— Art Pearl  
Professor of Psychology  
U.C. Santa Cruz

Lamberts as day after day they enact their rituals. If you pay Mrs. Lamberts more or less money, she is not likely to alter her relationship with the child because she operates by unconscious assumptions and nothing has been done to enlighten her or the child about the possibility of engaging in a more productive and enjoyable relationship.

There is an alternative to what I have called "the essential relationship" prevailing in most classrooms. Teachers and principals can create elemental change by bringing to bear a different concept into educational dynamics. I refer to the concept of play as it is discussed by people like Gregory Bateson and Erik Erikson. By play I do not mean, "lets turn the school into a great house of fun", although, at times that is good medicine. I mean that school teachers and principals must shift their energies from quelling disruptions of their social systems to quite another function. The teacher and principal must have as their committed professional responsibility the function of continually appraising the structure and dynamics of the authority relationships which dominate every encounter in the schoolhouse. They must continually send themselves messages about the messages which they are transmitting between themselves and the children. They must consciously examine their unconscious habits and do this regularly from time to time. In the process, they must have as their responsibility to alter their social exchanges so that play — or alteration — can occur rather than sustain a rigid, ritualized pattern of teacher expectation and compliance. These are the principles of John Dewey, but now, with the advances of social psychology available since Freud and the kind of communications theory demonstrated by Bateson, we know that the ability to observe and alter relationships can be taught and learned. If teachers and principals are able to develop a professional quality and responsibility which gives them self-conscious control over the quality of the pattern of their relationships with children, then they will have achieved a true professionalization.

To address the humanities issues, policy makers are not first concerned with how much money is spent on children, from where it derives and to where it goes. Rather, the problems of interest are the circumstances under which educational resources are to be spent. Such matters are not so easy for policy makers to settle; however they are not beyond the range of consideration and are surely a legitimate matter of public policy. I can offer two bits of advice on this regard:

First, it is my conclusion that policy makers are not substantially supported in bringing to bear the well being of the children as a rationale for either justifying and enforcing Serrano or for condemning that landmark decision. The Court's decision has its own basis for validation in the patterns for the collection and expenditure of tax dollars and, in effect, in bringing greater equality of teacher salaries throughout the state. Tax dollar distribution and teacher salary equity are valuable issues in their own right, but they should not be promulgated on the backs of the children nor should they be used to obscure authentic and pressing humanistic issues which affect California school children.

Second, if policy makers know that the heart of the educational process — the "essential structure" — is unaffected by Serrano, then they are obligated to distinguish economic reform of education from the education reform of the teacher-

child relationship. They can then truly speak and act clearly in each separate arena and, in a rational light, conjoin them. Education needs sound fiscal support. It desperately needs pedagogical transformation.

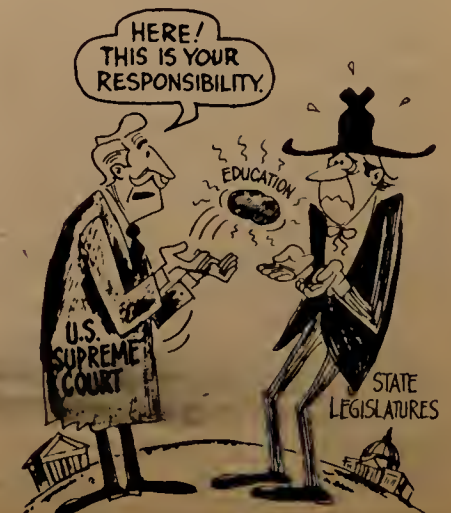
## Humanist's Perspective

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quality in education which I find in the Serrano decision. Attention has rightly been centered on fair school finance, but there is much more in Serrano even than education as a right which much be distributed fairly. "...Surely the right to education today means more than access to a classroom, the decision says. What more? There are two implications. One is the notion that the purpose of education is to equip the individual to understand and make a contribution to his or her own society and culture. The other is the implication that each individual has the right to be treated like the individual he or she is, and to develop his or her own potential to the maximum. This means that the individual is not to be herded in large crowds; it means he or she will have a decent classroom and library and desk and books; it means that teachers will not have so many children to manage that they cannot devote personal attention to each one; in short, it means things that cost money.

Money cannot buy quality; we know that; Serrano knows that. But we and Serrano both know that lack of money can insure low quality. As Francoise Sagan once said, "Money may not buy happiness, but it's better to cry in a Jaguar than in the back seat of a bus." Serrano mandates a financial structure in which education could become better for many people. That does not mean it will; that depends on our legislature, our school systems, and our families.

Education is political; we all know that. Different interests compete for control of education, and there's no changing that. The fight for better education, political as it is, can nevertheless be a healthy fight. But it has to be a fair fight. Some have accused the Serrano decision of being politically naive, as though it's an idealistic attempt to depoliticize education. It's idealistic, all right, but not unpolitical. It simply tries to insure a fair fight.





## —The Humanist's Story—

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beyond financing. In Germany at the time the film was shown in November, I missed it, but heard from my daughter that I had said something at the end that sounded about as assertive as she thinks I sound to her.

Was my brief flirtation with the Coalition and KCET over? No. The Coalition received some additional funds for training potential speakers on the significance of *Serrano*, and, by this time, on the complexities of AB 65, the new school finance bill. Their director called from Northern California and asked if I would "participate" in some of the speaker training sessions. "Participate" meant to give a talk on some of the deeper value implications of *Serrano*. This I was glad to do, and it also gave me more insight into the underlying concerns of the people in the Coalition. They wanted the people of California to get excited about public education. They wanted them to catch some of the idealism of *Serrano*, and to understand what the Legislature had done — and left undone — to implement it.

I met with the training people three times, in Oakland, North Hollywood and San Clemente. I would love to have done more, but that was all the time I had. Interesting that the Coalition people had time for all of them (at least six, I think), and all on a purely voluntary basis. I had and still have the feeling that we humanists were letting them down. The women whom I heard conduct the greater part of each training session were well prepared and did a superb job. They didn't say whether they really liked AB 65, whose complexities they were reducing to understandable terms, but I got the feeling

their enthusiasm for *Serrano* itself considerably outstripped their enthusiasm for AB 65. Perhaps that's only my own feeling; while I like the educational reform portions of AB 65 (increased funding for bilingual/bicultural education and serious attention to special education for those with exceptional problems or abilities), I would also like to see attention directed to the relationship between curriculum and the needs both of students and California and national institutions.

I don't know exactly what the Coalition for Fair School Finance will be doing next, or whether I will be involved. I do know that my involvement with them for the last seven or eight months has been both exciting and disturbing. Exciting because it has forced me to think very precisely about educational excellence, has exposed me to points of view different from my own, and has provided me with personal contacts with some unusually able and dedicated people. Disturbing because it has laid bare the deep chasm between humanistic theory and the practice of education, pointed up my own inability (and perhaps that of other humanists) to deal intelligently and helpfully with public education, and forced me to compare my own commitment to the welfare of California children with the greater commitment of a group of courageous people. On balance, I have probably received more from my involvement with the project than I have given. In the future I would hope that more university professors in the humanities might plunge in, take the risks, and receive the benefits of dealing with some of California's most concrete issues.

## —Television Documentary—

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Actual filming was completed by the third week in October and the film went to the laboratory for processing. (Ten thousand feet of film was shot; 980 feet was used for the half-hour program.)

When the film returned from the laboratory, Bob Navarro and Lewis Teague, the director, sat down to the editing table. By this time, the air date of November 16 at 7:30 p.m. was firm. This established, another producer from News and Public Affairs was assigned to do the live broadcast follow-up program that was part of the original plan. It was decided that "*Serrano: Do Dollars Make Scholars?*" would fit well into the regular "28 Tonight" news program slot, which could then be extended to include the follow-up program hosted by Ciji Ware to create an hour-long special on the subject.

At the same time, a grant from the Dora and Randolph Haynes Foundation released CCHPP matching funds for the special program and provided publicity monies for the first half-hour documentary film. All operations were now going at a rush-hour pace, the editing and discussion of the film, the writing of the narrative by Bob Navarro, the organization of the follow-up program by Ciji Ware who contacted a variety of people to appear on the show. The publicity department, with the funding from the Haynes Foundation, started work on press releases, radio spots, newspaper ads.

The final editing phases involved many discussions among the Producer, Director, Project Director, Executive Producer, and several other interested and articulate judges. At the last minute, sandwiched between film laboratory errors and final print and air time, members of the Coalition steering committee flew to Los Angeles for a preview. Due to last-minute film developing problems, the preview took place in a

people-packed editing room on an editing table.

The one-hour special program of "28 Tonight" used the regular opening with an introduction as usual by Clete Roberts, the program host. Starting the documentary film after the half-hour break at 7:30 carried it past the regular 8:00 p.m. break and was calculated to carry viewers to and through the live in-studio follow-up call-in program.

For state-wide distribution of the documentary, KCET contacted all the other Public Broadcasting stations in California, and almost all agreed to show it. All operating stations aired the documentary between November 16 and December 11, 1977. Publicity releases went to all Los Angeles County School Superintendents through the cooperation and courtesy of the Los Angeles County Superintendent of School Office. Advertisements appeared in major metropolitan newspapers throughout California and radio spot announcement were broadcast throughout the Los Angeles metropolitan area.

Non-broadcast copies of the documentary were produced for the Coalition for Fair School Finance and other agencies to lend to various community groups for use in discussion meetings.

We at KCET see the documentary as successful in terms of the number of viewers attracted, questions phoned in about the subject of the documentary during the follow-up program, budget management, and station personnel attitude about the final product. As with most projects, it generated a considerable learning experience at KCET and undoubtedly within the Coalition and the Humanities Council also. The sense of accomplishment is exceptionally keen in the Educational Services Division of KCET.

## —Policy-Maker's Response—

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haven't the depth to make a real difference.

I'm at a point in my life where experiencing and expanding are going on a rapidly accelerating rate. I want to be together with people who are open and vulnerable to, and affecting each other. We must make our environment here, during our time together, truly a model for education — neither an authority model nor an academic model, but a real, human, feelingful model.

Some of us here in the Capitol now are playing — seriously and lightly — with the insight and recognition that "the politics we do is who we are." How we experience ourselves personally, provides us the vision we carry into all our relationships, interpersonal and institutional. Our sense of ourselves (our self-image), our sense of our bodies (including our sexuality) our emotionality (including our needs for touch and affection and loneliness) and our minds — really determine what we do politically: where our money goes, what we propose and oppose, how well we speak, how clear we are, what's important to us.

In the same way, the education done in California depends upon who the educators are. The education you (superintendents, teachers, trustees, parents, professors) do is who you are.

So, whether we are legislators or educators, only insofar as we address ourselves (our own self-awareness and self-esteem) and our own assumptions about human nature and potential, human growth and development and the natural learning process, will we make our dialogue about education meaningful and valuable. Then we will know (and we shouldn't need *Serrano* to tell us) — that we must make our schools into healthy places that evoke (not stifle) the nature and potential, the curiosity and energy and motility of every human being who comes into those places: teacher parent, administrator, trustee, student, whoever.

Especially since we're here under the auspices of the California Council for the Humanities in Public Policy, we ought certainly address and engage ourselves about what it means to be human. Certainly our entire society these days is struggling to redefine what it means to be human: tender rather than violent, cooperative rather than competitive, open rather than closed, direct rather than masked, holistic rather than solely cerebral, sexual rather than bland, passionate rather than apathetic, touching rather than distant, affectionate and even moral. So must we, if we are to faithfully make valuable this occasion, and our being together! And so we must wonder about the growth and development (including moral) in our California schools. I mean development (including moral) — not in the sense of rigid or sectarian or dogmatic or ideological, but rather our exploring how, in fact, we human beings really develop into moral, caring, sensitive, tender persons, able to be present and take responsibility for what happens in our lives. Recognizing and realizing that knowledge ought truly be the focus of all efforts to promote the humanities in public policy.

We who take responsibility for affecting the lives of children, must become willing to explore our own lives: our consciousness, and affect, our own bodies and sexuality, our own needs for touch and intimacy and tenderness. Only then will we recognize the kind of environment healthy for us, and desired by us. And only then will we sufficiently recognize that schools ought be that same kind of en-

vironment. They ought be like healthy homes, where people trust us, touch us, love us and evoke us and never demean or destroy us.

*Serrano* is a great occasion for a grand dialogue that ought to go beyond the intellectual and the academic and become a real basis for a holistic, healthy, human transformation of our California schools. It will be precisely, insofar as enough persons are willing — beginning with you and me — to explore and experience that reality in our own lives.

If there's a destructive teacher like the Mrs. Lamberts described earlier, we ought put her on notice: we ought put her on a human development course and, if she's not able or willing to take it and grow and become healthy, we ought release her so as to release children from her presence. No person has a right to be close to kids, especially involuntarily confined kids, unless she/he is willing to become healthy, to be a healthy presence for those children. That's basic morality. A children has a right to develop wholly and healthily, so a child has a right to be in a healthy place and presence!

Our schools have too much been places where you have half a brain (—the left side), two ears (to listen with), a mouth (to answer), and one hand preferably right, (for writing), and that's about all. Feelings were to be left at home, and bodies on the playground. But that's not near enough for me. We must make our schools into places that recognize, respect and affirm the rest, in fact, all of what it means to be human: intellect and brain (both halves), feelings and emotions, body and energy and sexuality.

I'm a person who uses my cognitive capacities well. Yet I spent years in therapy regaining the rest of me, repressed/taken away by home and church and school, by well-meaning persons who didn't have a very good sense about themselves and about human growth and development.

The other night friends and I were talking about growing up intimidated, submissive and subdued...by family and by church and by school. I reminded me of the preface in Paolo Friere's "*Pedagogy of the Oppressed*" in which Richard Shaull writes, "There is no such thing as a neutral educational process. Education either functions as an instrument which is used to facilitate the integration of the younger generation into the logic of the present system and bring about conformity to it, or it becomes 'the practice of freedom,' the means by which men and women deal critically and creatively with reality and discover how to participate in the transformation of their world." Our society can't afford to have us, all or even any, subdued or apathetic; rather we must transform our schools (and homes and churches) into places that grow healthy human beings, who care deeply (and aren't embarrassed about it) who are cognitively competent (even excellent), emotionally healthy and morally sound.

Again, and finally, to make our schools healthy places, we're required to make ourselves healthy human beings — who can see and be present with children in healthy, human ways. I'd like to see people use the *Serrano* occasion for improving the character of children's living, learning and loving in California. I hope the League of Women Voters and the AAUW and the Council for the Humanities in Public Policy and all of us will, personally and enthusiastically enter into the struggle for recognizing this as a time when we can make a real, human, healthy difference in the lives of our children!



## —Historical Overview-Serrano v. Priest: End of an Era?—

Continued from page 1

refused to ban segregation, ruling that "separate but equal" facilities were legal, but the justices did outlaw exclusion, affirming that public education must be available to all, regardless of race. Justice C.J. Wallace wrote that "Ignorance, the lack of mental and moral culture in earlier life, is the recognized parent of vice and crime in the after years." Schooling, then, protects youth from evil and immorality, and on this basis the court ruled that education is a basic constitutional right covered by the equal protection clause. To deny equal access to the public schools is to deny equal protection of the law.

During the next half century, the court embellished its initial, essentially moralistic view of education. California's new constitution of 1879 added a political justification, stating that "a general diffusion of knowledge and intelligence" was "essential to the preservation of rights and liberties of people." In 1885 the State Supreme Court cited both this constitutional language and *Ward v. Flood* in an opinion requiring San Francisco to provide public education for Chinese children. Forty years later, when the court ruled that Indians could not be barred from public schools, the justices argued that education had an important economic and social role: "the common schools are doorways opening into the chambers of science, art and the learned professions, as well as the fields of industrial and commercial activities."

In all cases, the California court had upheld the concept of "separate but equal" schools. But in 1946 a federal district judge in San Francisco ruled that segregation of Mexican children was unconstitutional, and in the process, he anticipated some of the U.S. Supreme Court's arguments in the Brown decision. The Legislature took the hint and in 1946 repealed the last California statute authorizing racially separate schools. However, the existence of *de facto* segregation imposed by custom or circumstance was not treated until 1963. In that year, the State Supreme Court held that racial separation was illegal "even in the absence of gerrymandering or other affirmative discrimination." The court argued that the "right of equal opportunity for education and the harmful consequences of separation require that school boards take steps, insofar as reasonably feasible, to alleviate racial imbalance regardless of its cause."

Thus, when Justice Sullivan wrote in the 1971 *Serrano* decision that "we are convinced that the distinctive and priceless function of education in our society warrants, indeed compels, our treating it as a fundamental interest," he was carrying on a tradition of California jurisprudence developed as a result of the long battle against school segregation. Over the course of a century, California courts had held that because of its moral, political, economic and social significance, the right to education was covered by the equal protection clause, even to the extent that unintentional or *de facto* interference with the right was unconstitutional. For the State Supreme Court to have found that education was not such a "fundamental interest," as the United States Supreme Court did in *San Antonio School District v. Rodriguez*, would have been a radical departure from California's legal and historical record.

If the court stayed within precedent and tradition in enunciating basic constitutional principles in the *Serrano* decision, it broke new ground in applying those principles. The school segregation cases affected individuals and educational access. *Serrano* affects school districts and educational expenditures, and this has

raised new and perplexing questions. For example, many "wealthy" districts contain large numbers of poor students. Should *Serrano* be enforced in a manner that deprives minority-group children in "wealthy" San Francisco, Oakland and Berkeley of current levels of educational support? Theoretically, at least, this problem can be solved by the fact that *Serrano* applied only to disparities of educational expenditures produced by the assessed valuation of districts. The decision does not prevent the state from providing categorical funds to certain districts for special programs benefiting low-income students.

A more fundamental question is whether the court is correct in assuming that educational expenditure is related to educational quality. This probably has been the most frequently criticized element of the *Serrano* decision. Researchers often point out that the level of financial support seems to have little effect on student performance as measured by standardized achievement tests. However, critics who rely on test scores have misunderstood the issue, for, as we have seen, California courts have never defined the purpose of education as

simple mastery of skills that presumably can be measured on achievement tests.

Instead, for a century, the State Supreme Court has tacitly accepted the very broad view of education posited by such nineteenth-century educational reformers as Horace Mann, Henry Barnard and John Swett. To these early schoolmen, compulsory public education was a matter of faith. The common school would enlighten the populace, unify a diverse and immigrant nation, instill virtuous, thrifty and democratic values and create non-violent social mobility. Appropriately, in the *Serrano* decision Justice Sullivan quoted Horace Mann's dictum that "natural law" established the "absolute right to an education of every human being" and required "the correlative duty of every government to see that the means of education are provided for all."

Ironically, at the very time the *Serrano* decision was issued in 1971, the traditional, optimistic faith in public education, on which so much of Justice Sullivan's opinion was based, was coming under attack. Radical and revisionist historians concluded that since the industrial revolution in America, schools had been

agents of social control rather than democracy. Public education had created a docile labor force, prevented the emergence of class consciousness, inhibited emotional and spiritual development and transferred control of children from parents to educational bureaucrats. Social critic Ivan Illich contended that society had to be "de-schooled" and the authoritarian system of compulsory public education dismantled.

However, the defenders of the traditional view of public education in America shared one important common conviction with their radical and revisionist critics: both believed that schools as institutions do make a difference, that they are powerful forces that affect society for good or ill. But in the early seventies, other critics made the profoundly conservative argument that schools were paper tigers, that they had little real influence on social change.

As early as 1966, Dr. James Coleman concluded that family background, not the quality of the school, was the most important factor in educational performance. Christopher Jencks and his colleagues analyzed Coleman's data in a

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## —Serrano v. Priest: A New Beginning?—

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The size of the job these two groups faced in trying to make the California public aware of the *Serrano vs Priest* decision was measured in May, 1977, by a Fieldscope poll — which revealed that 92 percent of the state's population could not relate the word *Serrano* to education or to a court decision. Convinced that only informed public opinion could make the decision work as a tool toward better education in the state, the Coalition produced brochures in four languages, sponsored conferences, seminars and workshops, and developed a background packet for public meetings to help the people in any school district work through the requirements of the decision for their own budget process.

For decades California parents have known that schooling was not alike throughout the state — that there were "good" school districts and "poor" school districts, and for families who had the freedom to look around and choose where to live, the reputed caliber of public education in a district was often an important factor in the choice. It wasn't easy to say what made a district "good" — occasionally this was linked to the number of graduating seniors who were finalists in the Merit Scholarship competition, or the fact that students scored regularly above their grade level on standardized tests — but generally it related to class size, to laboratory equipment, field trips, well-stocked libraries, swimming pools, auditoriums, potters' wheels, computer terminals, even maintenance of buildings and grounds — all of which were pretty directly traceable to the availability of money. When John Serrano in 1968, with the help of public interest lawyers, brought suit against the State of California on behalf of his son, John Anthony Serrano, because the boy could not get as good an education living where he did as he could have if he lived somewhere else, the arguments were framed in terms of a variable that anyone could measure — number of dollars to spend per child.

From the start, the equating of "quality" education with dollars to spend made many people uneasy. Basic to any discussion of what public education is or should be, and how it should be supported, must be some underlying assumption that

its impact on society or on the individual, or both, will be good. In the most basic terms, education is the passing on of the skills and values of a culture to its succeeding generations; a more primitive society probably has less introspection regarding the utility and appropriateness of these skills and values. In a complicated society such as our own, however, where education has become thoroughly institutionalized, utility and appropriateness may again receive a minimum of attention, while immense energy goes into the processes of feeding and controlling the institution.

The contributions of humanists working on the *Serrano* project have helped all who took part to look at the nature and goals of the system and its impact on individuals and society. When progressive education first made its appearance early in this century, the question of how education takes hold — what makes children learn — was considered a philosophical rather than a technical problem, though the systematic carrying out of the implications of these theories drastically altered the content of education and the everyday techniques of teaching. A counter-revolution now seems to be gathering strength among parents who are demanding a return to what they imagine, at least, to be the old emphasis on basic skills, achievement and discipline. It is important to assess what parents really want from the education of their children and what it is their right to want. To what extent should society set the goals of education, and where do the rights of the student enter? What accommodation should be made for differentiating factors such as intelligence or special talents? Should both sexes have access to exactly the same instruction? Is there any legitimate role for wealth?

An overall survey of the problem yielded several areas for humanists' exploration: whether education is a right and whether, if it is a right, it is an equal right of all young people in a society. How is equality to be implemented and judged? On the supporting side (the decision mandates equity of taxing effort as well as educational opportunity), does "fair" in terms of taxes mean that everyone pays an equal percentage of his income or that those with higher incomes pay a larger share?

The relationship of "quality" education to dollars spent — do dollars indeed make scholars? — is another field for humanist debate. Is "throwing money at the problem" only a way of creating a more expensive problem? If teachers must be paid according to a salary scale determined through collective bargaining that takes into account only semesters in college and years of experience, how can a district choose good teachers? If money produces good education, why have young people from some of the best funded school districts in the state turned their backs on the future that their schooling was to have fitted them for and become, in fact, aggressively anti-establishment?

Still another area is the connection between support and control. If funding responsibility is divorced from the local school district, will highly prized "local control" go with it? Does "local" control mean district level or school-site level, and which produces a better education? Can opposing philosophies peacefully co-exist within a district, and are they really opposing or merely different?

The text of the *Serrano vs Priest* decision makes clear its endorsement of the value of education and its importance to students if they are to take their place as citizens equipped to participate in the life of the community. The Court's mandate for action, however, is expressed in terms of equalizing among districts the number of dollars available to spend per child; dollars, that is, that form the bulk of school support, dollars raised in each district by the levying of property taxes for schools. Responsibility for compliance was put on the State Legislature: reduce those wealth-related differences by the fall of 1980, it was ordered, to substantially less than \$100 per child from district to district.

The Court did not, as recent rumors have had it, outlaw the use of property taxes for school support after 1980. The language of the decision, in fact, implies that the Court foresaw the continued use of property tax monies to pay for schools and was concerned primarily with insuring the equitable district-to-district distribution of funds so raised. This means that property-rich districts with few children to educate may no longer keep for the use of their own

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## End of an Era?

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well-publicized study and contended that schools had little power to reduce substantially the level of social and economic inequality in the United States. If this were true, what of the *Serrano* decision's assumption that educational expenditures affected social mobility? Justice Sullivan had claimed that education was the "bright hope for entry of the poor and oppressed into the mainstream of American society." By the early seventies, some social scientists such as Jencks were saying this just wasn't so.

Jencks is a socialist who advocates structural changes in American society to reduce economic inequality. But his conclusions were grist for the conservative mill. By casting doubt on the social potency of the schools, he challenged the faith in public education which underlies a whole line of legal reasoning justifying education as a "fundamental interest" subject to the equal protection clause. It is not surprising that the U.S. Supreme Court cited Jencks in its decision on *San Antonio School District v. Rodriguez*.

Obviously, Christopher Jencks and a few other social scientists were not solely or even primarily responsible for the *Rodriguez* decision. But their ideas are an important part of an intellectual and political environment that helps explain the growing judicial caution in educational matters. By 1970 the focus of court-ordered integration efforts had shifted from the south to the north and west. As a result, protests against judicial activism in education became a national rather than sectional phenomenon. In California, federal court integration orders in Pasadena and San Francisco created bitter controversy. State Superior Judge Alfred Gitelson's 1970 desegregation ruling in Los Angeles drew criticism from then President Nixon, Governor Reagan and Mayor Yorty, and in 1971 Gitelson was defeated for re-election, an almost unprecedented event in California. In the midst of growing opposition to "busing," and with "white flight" making integration almost impossible in some communities, the conclusions of people

such as Jencks were powerful, even welcome arguments for judicial restraint in the educational field. If schools make little difference anyway, why insist on rigid integration schemes and intervene in the complicated matter of education finance?

"Judicial restraint," however, has not meant full-scale judicial retreat in California. Last summer, the U.S. Supreme Court upheld the Pasadena integration order, but the court lifted the requirement that the Pasadena district annually adjust its busing plan to maintain racial balance at each school. This may become a formula for gradual re-segregation. Similarly in 1976, the State Supreme Court upheld the Los Angeles integration order, but without the strict percentage guidelines contained in Judge Gitelson's original decision. Last December the state court also reaffirmed its original *Serrano* decision, but while the 1971 opinion was supported by a 6-1 majority, the 1976 vote was 4-3. The court now has three new members, and how rigidly it will require *Serrano* to be enforced is an open question.

It has been almost a decade since John Serrano went to court, yet the case that bears his name still generates more questions than answers. The assumptions that underlie an era of remarkable judicial activism in educational matters are very much in doubt. But John Serrano seems to have very little doubt about the effect of schools on his own children. He brought suit after an East Los Angeles school principal advised him to move his son, John Anthony to another district. The boy was a "near genius" and the principal believed that the local schools had little to offer a student of his abilities. The Serranos did move, and John Sr. believes his son thrived on "more school work, more open space, more green and more attention from the teachers." The boy is now getting good grades in high school, excelling in athletics and planning a career in either law, psychiatry or social work. John Serrano says, "Obviously I solved my kid's problem. I moved." But whether he solved anyone else's problem by going to court remains to be seen.

## A New Beginning?

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schools the wealth that bubbles up from property taxes on oil wells, industrial parks, shopping centers, but must share, through recapture by the State School Fund, with districts that contain mostly residences with many children. This is not, unfortunately, so clear and simple as it sounds. Many property-poor districts that contain no industrial tax base are the suburban homes of wealthy families who have chosen to keep their communities strictly residential and have, as individuals, little need for help to support their schools. On the other hand, large cities contain business and industry that make them property-wealthy districts, but they also are the home of many poor children.

The decision did not establish, nor even suggest an appropriate level for equalized spending. Whether high-wealth districts should somehow be restricted to the number of dollars available to the lowest-spending districts — or the lowest-spending should somehow be raised to high levels — was left to the Legislature. It might be suggested that the simplest way to accomplish equalization would be to have the state collect all school support taxes and redistribute them according to district enrollments — in effect, a state-wide property tax. Popular wisdom predicts, however, that any Legislator who proposed such a measure would be digging his political grave with his own hands, and whether this be true or not, no such measure has been recently introduced in Sacramento.

The Legislative response to *Serrano*, a bill without a name, known only as Assembly Bill 65, regulates school district money-raising and spending through a complex set of calculations and formulas that it hopes will please the court when put to the test of a suit. An interesting political possibility surfaced briefly after the Legislature passed AB65; it was suggested that a ballot proposition be drafted to invite the people of the state to vote into the Constitution an amendment asserting that AB 65 did indeed satisfy the *Serrano* decision. Since this proposal was not carried out, it is to be assumed that the Court retains jurisdiction, and the first

round of submitting the bill to its scrutiny has already taken place, without waiting for 1980.

Besides provisions to equalize wealth-related spending potential, the bill also appropriates extra funds for certain special needs of individual students and districts with unusual problems. To some extent it addresses the concerns of those who are looking for qualitative improvements in education, and it does require districts that receive this special funding to set up procedures to account for and evaluate their programs. But basically it works almost exclusively through allocation of money.

The contents of this *Network* are divided between the humanistic and the technical approach to schools and their funding. Discussions by scholars are interspersed with the language of legislative bills, and some of the explanatory materials distributed to the public are reproduced. No one connected with the projects claims to have found answers, but the work goes on in the faith that information and thoughtful exploration will lead to wiser activity on the part of everyone connected with the educational system — and that is basically everyone.



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